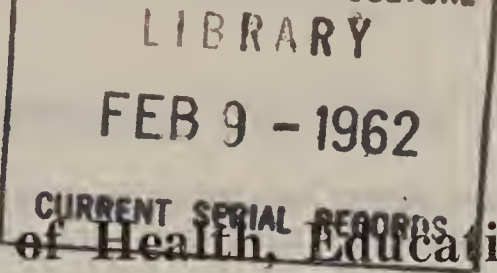


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U.S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

27451-27550

FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, or while held for sale after shipment in interstate commerce. These cases involve seizure proceedings in which decrees of condemnation were entered after default, or consent. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., *January 19, 1962.*

CONTENTS

	Page		Page
Cereals and cereal products.....	173	Fruits and vegetables.....	187
Bakery products.....	173	Canned fruit.....	187
Miscellaneous cereals and cereal products.....	174	Miscellaneous fruit products.....	187
Chocolate, sugar, and related products.....	178	Preserves.....	188
Chocolate and cocoa.....	178	Vegetables and vegetable products.....	188
Confectionery.....	178	Tomatoes.....	192
Sirup and sugar.....	180	Nuts and nut products.....	192
Dairy products.....	183	Oils and fats.....	196
Butter.....	183	Spices, flavors, and seasoning materials.....	196
Cheese.....	183	Vitamin, mineral, and other products of special dietary significance.....	198
Milk.....	183	Miscellaneous foods.....	203
Eggs.....	184	Index.....	204
Feeds and grains.....	184		
Fish and shellfish.....	185		

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 27451-27550.**

Adulteration, Section 402(a) (1), the article contained a poisonous or deleterious substance which might render it injurious to health; Section 402(a) (2) (B), the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a) (2) (C), the article contained a food additive which was unsafe within the meaning of Section 409; Section 402(a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth; or might have been rendered injurious to health; Section 402(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b) (2), another substance had been substituted in whole or in part for the article; Section 402(b) (3), damage or inferiority had been concealed in some manner; Section 402(b) (4), a substance had been added to the article or mixed or packed therewith so as to make it appear better or of greater value than it was; Section 402(d), the article was a confectionery, and bore or contained a nonnutritive article or substance; Section 408(a), a pesticide chemical deemed unsafe had been added to a raw agricultural commodity and (1) no tolerance had been prescribed by the Secretary of Health, Education, and Welfare and (2) the pesticide chemical had not been exempted from the requirement of a tolerance; and Section 409, a food additive was deemed to be unsafe because the food additive and its use or intended use failed to conform to the terms of an effective exemption.

Misbranding, Section 403(a), the labeling of the article was false and misleading; Section 403(e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; Section 403(f), a word, statement, or other information required by or under authority of the Act to appear on the label or labeling was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; Section 403(g) (2), the article purported to be or was represented as a food for which a definition and standard of identity had been prescribed by regulations and its label failed to bear, as required by such regulations, the common name of the optional ingredient present in such food; Section 403(h), the article purported to be or was represented as (1) a food for which a standard of quality has been prescribed by regulations, and its quality fell below such standard or (2) a food for which a standard of fill of container had been prescribed by regulations and it fell below the applicable standard of fill of container; Section 403(i), the article was not subject to the provisions of Section 403(g) and (1) its label failed to bear the common or usual name of the article, and (2) the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as the Secretary

has determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses; and Section 403(k), the article contained a chemical preservative and failed to bear labeling stating that fact.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

27451. Cheese sticks and salt sticks. (F.D.C. No. 46191. S. Nos. 69-397/8 R.)

QUANTITY: 21 cases, 12 bags each, of cheese sticks; and 23 cases, 12 bags each, of salt sticks, at Racine, Wis.

SHIPPED: 6-2-61, from Dallas, Tex., by Donlen's Kitchens.

LABEL IN PART: (Bag) "Donlen's Salted Cheese Sticks Donlen's Farm Kitchens, Route 1, Box 38 Roanoke, Texas * * * Net Wt. 3 Oz." and "Donlen's Salt Sticks Donlen's Farm Kitchens * * * Net Wt. 3 Ozs."

RESULTS OF INVESTIGATION: Examination showed that the articles were short weight.

LIBELED: 7-26-61, E. Dist. Wis.

CHARGE: Cheese sticks, 402(b)(1)—when shipped, cheese had been in whole or in part omitted from the article; 402(b)(4)—artificial color had been added to the article to make it appear better or of greater value; 403(a)—the name "Cheese sticks" was false and misleading as applied to a product containing little or no cheese; and (both articles) 403(e)(2)—the articles failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: 8-17-61. Default—destruction.

27452. Sesame chips. (F.D.C. No. 45862. S. No. 85-059 R.)

QUANTITY: 24 cases, 24 pkgs. each, at Little Rock, Ark.

SHIPPED: 4-17-61, from Chicago, Ill., by Sesa-Kraft, Inc.

LABEL IN PART: (Pkg.) "Sesa-Kraft Sesame Chips * * * New Party-Time Snack * * * Net Weight 7 ozs. Sesa-Kraft, Inc. * * * Chicago, Ill."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 7-10-61, E. Dist. Ark.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 8-4-61. Default—delivered to a charitable institution.

27453. Frozen honey buns. (F.D.C. No. 46320. S. Nos. 5-537 R, 5-549 R.)

QUANTITY: 3,579 cases, 12 11-oz. pkgs. each, at Crozet, Va.

SHIPPED: 7-11-61 and 7-25-61, from Atlanta, Ga., by Morton Frozen Foods.

LABEL IN PART: (Case) "Morton Frozen Honey Buns * * * Packed For Morton Frozen Foods Division of Continental Baking Co. * * * Rye, N.Y." and (pkg.) "4 Buns Morton Frozen Old Kentucky Recipe Honey Buns."

LIBELED: 8-24-61, W. Dist. Va.

CHARGE: 402(a)(3)—contained insect parts, cat hair, and rodent hair when shipped.

DISPOSITION: 8-25-61. Consent—destruction.

27454. Pretzels. (F.D.C. No. 45869. S. No. 90-903 R.)

QUANTITY: 148 cases, 12 bags each, at Hazelwood, Mo.

SHIPPED: 6-16-61, from Chicago, Ill., by Midwest Pretzel, Inc.

LABEL IN PART: (Bag) "LZ Toasted Pretzels * * * Midwest Pretzel, Inc. * * *
Net Wt. 12 Oz."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 7-13-61, E. Dist. Mo.

CHARGE: 403(e)—when shipped, the article failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents.

DISPOSITION: 8-22-61. Default—delivered to charitable institutions.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

27455. Puffed wheat. (F.D.C. No. 46254. S. No. 83-137 R.)

QUANTITY: 92 cases, 24 pkgs. each, at Jersey City, N.J.

SHIPPED: 7-20-61, from Shiremanstown, Pa., by Quaker Oats Co.

LABEL IN PART: (Pkg.) "Weight 4 Oz. Net * * * Quaker Puffed Wheat Manufactured by The Quaker Oats Company * * * Chicago."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-17-61, Dist. N.J.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 9-26-61. Default—delivered to charitable institutions.

27456. Puffed wheat. (F.D.C. No. 46186. S. No. 3-607 R.)

QUANTITY: 77 cases, 24 pkgs. each, at Norfolk, Va.

SHIPPED: 7-6-61 and 7-13-61, from Harrisburg, Pa., by Quaker Oats Co.

LABEL IN PART: (Pkg.) "Weight 4 Oz. Net * * * Quaker Puffed Wheat Manufactured by The Quaker Oats Company * * * Chicago."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 7-25-61, E. Dist. Va.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 9-18-61. Default—delivered to a public institution.

27457. Puffed rice and puffed wheat. (F.D.C. No. 46216. S. Nos. 84-141/4 R.)

QUANTITY: 170 cases, 18 pkgs. each, of puffed wheat; and 227 cases, 18 pkgs. each, of puffed rice, at Carlstadt, N.J.

SHIPPED: 6-27-61 and 7-10-61, from Shiremanstown, Pa., by Quaker Oats Co.

LABEL IN PART: (Pkg.) "Weight 6 Oz. Net * * * Quaker Puffed Wheat [or "Weight 6¾ Oz. Net * * * Quaker Puffed Rice"] Manufactured by The Quaker Oats Company Chicago."

RESULTS OF INVESTIGATION: Examination showed that the articles were short weight.

LIBELED: 8-2-61, Dist. N.J.

CHARGE: 403(e)(2)—when shipped, the articles failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 9-19-61. Default—delivered to charitable institutions.

27458. Puffed rice and puffed wheat. (F.D.C. No. 46224. S. Nos. 84-692/4 R.)

QUANTITY: 50 cases, 24 pkgs. each, of puffed rice; and 213 cases, 24 pkgs. each, of puffed wheat, at Port Newark, N.J.

SHIPPED: 7-13-61 and 7-14-61, from Shiremanstown, Pa., by Quaker Oats Co.

LABEL IN PART: (Pkg.) "Weight 4½ Oz. Net * * * Quaker Puffed Rice Manufactured by The Quaker Oats Company * * * Chicago" and "Weight 4 Oz. Net * * * Quaker Puffed Wheat Manufactured by The Quaker Oats Company * * * Chicago."

RESULTS OF INVESTIGATION: Examination showed that the articles were short weight.

LIBELED: 8-4-61, Dist. N.J.

CHARGE: 403(e)(2)—when shipped, the articles failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 9-22-61. Default—delivered to charitable institutions.

27459. Puffed rice and puffed wheat. (F.D.C. No. 46253. S. Nos. 81-071 R, 81-262/3 R.)

QUANTITY: 80 cases, 18 pkgs. each, and 133 cases, 24 pkgs. each, of puffed rice; and 54 cases, 18 pkgs. each, of puffed wheat, at South Windsor, Conn.

SHIPPED: 6-5-61 and 6-28-61, from Lemoyne and Harrisburg, Pa., by Quaker Oats Co.

LABEL IN PART: (Pkg.) "Weight 6¾ Oz. Net [or "Weight 4½ Oz. Net"] * * * Quaker Puffed Rice Manufactured by The Quaker Oats Company * * * Chicago" and "Weight 6 Oz. Net * * * Quaker Puffed Wheat Manufactured by The Quaker Oats Company * * * Chicago."

RESULTS OF INVESTIGATION: Examination showed that the articles were short weight.

LIBELED: 8-17-61, Dist. Conn.

CHARGE: 403(e)(2)—when shipped, the articles failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 9-26-61. Consent—delivered to charitable institutions.

27460. Puffed rice and puffed wheat. (F.D.C. No. 46200. S. Nos. 81-069/70 R.)

QUANTITY: 300 cases, 18 pkgs. each, of puffed wheat; and 200 cases, 18 pkgs. each, of puffed rice, at East Hartford, Conn.

SHIPPED: 6-22-61, from Lemoyne, Pa., by Quaker Oats Co.

LABEL IN PART: (Pkg.) "Weight 6 Oz. Net [or "6¾ Oz. Net"] * * * Quaker Puffed Wheat [or "Rice"] Manufactured by The Quaker Oats Company Chicago."

RESULTS OF INVESTIGATION: Examination showed that the articles were short weight.

LIBELED: 7-29-61, Dist. Conn.

CHARGE: 403(e)(2)—when shipped, the articles failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 9-26-61. Consent—delivered to a charitable institution.

27461. Unpopped popcorn. (F.D.C. No. 45649. S. Nos. 66-155/6 R.)

QUANTITY: 105,300 lbs. at Murray, Ky.

SHIPPED: Between 3-23-61 and 3-25-61, from Omaha, Ill., by Gallatin County Popcorn Co.

LIBELED: 4-29-61, W. Dist. Ky.

CHARGE: 402(a)(3)—contained rodent pellets, rodent-gnawed and insect-damaged kernels and insect parts; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 9-1-61. Consent—claimed by Parker Popcorn Co., Murray, Ky., and reconditioned to remove all filth.

27462. Rice. (F.D.C. No. 45914. S. Nos. 57-918/19 R.)

QUANTITY: 25 bales, 20 3-lb. bags each, and 42 bales, 30 2-lb. bags each, at Allendale, S.C.

SHIPPED: 3-3-61 and 4-5-61, from Crowley, La., by Louisiana Rice Growers, Inc.

LABEL IN PART: (Bale) "Delta Boy Rice [or "Delta Chief Rice"] Packed by Louisiana Rice Growers, Inc. Crowley, Louisiana" and (bag) "Delta Boy Brand [or "Delta Chief Brand"] * * * Long Grain Rice * * * Packed by Louisiana Rice Growers, Inc., Crowley, La."

LIBELED: 6-2-61, E. Dist. S.C.

CHARGE: 402(a)(3)—contained insects and insect parts; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 7-19-61. Default—converted into animal feed and delivered to a public institution.

27463. Wheat. (F.D.C. No. 45842. S. No. 55-427 R.)

QUANTITY: 118,500 lbs. at Spokane, Wash.

SHIPPED: 6-5-61, from Redstone, Mont., by Redstone Grain Co.

LIBELED: 6-16-61, E. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 6-23-61. Consent—claimed by Atwood-Larson Co., Spokane, Wash., and denatured for use as animal feed.

27464. Wheat. (F.D.C. No. 45854. S. Nos. 59-835/6 R.)

QUANTITY: 221,070 lbs. at Spokane, Wash.

SHIPPED: 6-16-61, from Redstone, Mont., by Redstone Grain Co.

LIBELED: 7-6-61, E. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 7-14-61. Consent—claimed by Atwood-Larson Co., Spokane, Wash., and denatured for use as animal feed.

27465. Wheat. (F.D.C. No. 45849. S. Nos. 54-579 R, 54-682 R.)

QUANTITY: 188,160 lbs. at Minneapolis, Minn.

SHIPPED: 6-2-61 and 6-5-61, from Rhame, N. Dak., by Farmers Equity Union Elevator Co.

LIBELED: 6-30-61, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 7-19-61. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated; 11,670 lbs. denatured for use as animal feed.

27466. Wheat. (F.D.C. No. 45824. S. No. 56-153 R.)

QUANTITY: 31,690 lbs. at Portland, Oreg.

SHIPPED: 5-27-61, from Gooding, Idaho, by Western Warehouse Co.

LIBELED: 6-9-61, Dist. Oreg.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 7-24-61. Consent—claimed by Western Warehouse Co., and denatured for use as animal feed.

27467. Wheat. (F.D.C. No. 45637. S. No. 85-441 R.)

QUANTITY: 124,200 lbs. at Fort Worth, Tex.

SHIPPED: 4-8-61, from Beaver, Okla., by Light Grain & Milling Co.

LIBELED: 4-25-61, N. Dist. Tex.

CHARGE: 402(a)(3)—contained insect-damaged kernels when shipped.

DISPOSITION: 4-28-61. Consent—claimed by Paul Allison Grain Co., Inc., Fort Worth, Tex., and converted into animal feed.

27468. Wheat. (F.D.C. No. 45632. S. No. 47-253 R.)

QUANTITY: 108,000 lbs. at Ottawa Lake, Mich.

SHIPPED: 4-7-61, from Port Huron, Mich., to Toledo, Ohio, by Columbus Elevator, and from there to Ottawa Lake, Mich.

LIBELED: 4-21-61, E. Dist. Mich.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 5-12-61. Consent—claimed by Lansing Grain Co., Lansing, Mich., and reconditioned by scouring.

27469. Wheat. (F.D.C. No. 45631. S. No. 17-440 R.)

QUANTITY: 106,100 lbs. at Denver, Colo.

SHIPPED: 4-5-61, from American Falls, Idaho, by Midland Elevator, Inc.

LIBELED: 4-14-61, Dist. Colo.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped; and 402(a)(4)—had been stored under insanitary conditions when shipped.

DISPOSITION: 4-24-61. Consent—claimed by Colorado Milling & Elevator Co., Denver, Colo. Segregated; 24,900 lbs. destroyed.

27470. Cake mix. (F.D.C. No. 46135. S. No. 85-118 R.)

QUANTITY: 70 cases, 12 18-oz. pkgs. each, at St. Louis, Mo., in possession of Soll-Madden Salvage Co.

SHIPPED: 1-17-61, from Minneapolis, Minn.

LIBELED: 7-24-61, E. Dist. Mo.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 9-15-61. Default—destruction.

27471. Milo maize. (F.D.C. No. 46213. S. Nos. 49-437/8 R.)

QUANTITY: 49,000 lbs. at Hobbs, N. Mex.

SHIPPED: 5-17-61 and 6-27-61, from Lubbock, Tex., by De Kalb Agricultural Association, Inc.

LIBELED: 8-8-61, Dist. N. Mex.

CHARGE: 402(a)(2)(B)—the article was a raw agricultural commodity and, when shipped, contained pesticide chemicals, namely, captan and heptachlor, which are unsafe within the meaning of 408 since no tolerance or exemption from the requirement of a tolerance for such pesticide chemicals on milo maize have been prescribed by regulations.

DISPOSITION: 9-12-61. Default—destruction.

CHOCOLATE, SUGAR, AND RELATED PRODUCTS

CHOCOLATE AND COCOA

27472. Chocolate-flavored sirup. (F.D.C. No. 45867. S. No. 85-105 R.)

QUANTITY: 95 cases, 12 jars each, at Hazelwood, Mo.

SHIPPED: Between 5-8-61 and 6-8-61, from Argo, Ill., by Corn Products Co.

LABEL IN PART: (Jar) "Bosco Milk Amplifier Fortified with Iron and Vitamin D Net Weight 12 Oz. Best Foods Div. Corn Products Company, N.Y., N.Y."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 7-21-61, E. Dist. Mo.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 9-15-61. Default—delivered to charitable institutions.

27473. Cocoa beans. (F.D.C. No. 45532. S. No. 35-779 R.)

QUANTITY: 12 138-lb. bags at Brooklyn, N.Y.

SHIPPED: 11-22-59, from Haiti.

LIBELED: 4-12-61, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained moldy beans while held for sale.

DISPOSITION: 6-2-61. Consent—claimed by Ernest Adler Co., Inc., New York, N.Y. Segregated; 9 bags destroyed.

CONFECTIONERY

27474. Candy cake decorators. (F.D.C. No. 46144. S. No. 97-612 R.)

QUANTITY: 51 cases, 24 jars each, at Buffalo, N.Y.

SHIPPED: 12-16-60, from Pennsauken, N.J., by Beaver Home Products Co., Inc.

LABEL IN PART: (Jar) "HP Candy Petites (Cake Decorators) * * * Mfr. Beaver Home Products Co., Inc., Pennsauken, N.J. Net Wt. 3 Oz."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 7-28-61, W. Dist. N.Y.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 8-31-61. Default—delivered to a charitable institution.

27475. Candy mints. (F.D.C. No. 46210. S. No. 69-960 R.)

QUANTITY: 41 cases, 24 bags each, at Philadelphia, Pa.

SHIPPED: 6-28-61, from Cambridge, Mass., by New England Confectionery Co.

LABEL IN PART: (Bag) "Necco Canada Mints Ingredients—Net Weight 8 Ozs.—New England Confectionery Co., Cambridge, Mass."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-1-61, E. Dist. Pa.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 8-30-61. Default—delivered to a charitable institution.

27476. Candy suckers. (F.D.C. No. 46196. S. No. 91-905 R.)

QUANTITY: 149 cases, each containing 25 lbs. of individually wrapped candy suckers, at Jamaica, Long Island, N.Y.

SHIPPED: 6-8-61, from Pawtucket, R.I., by E. Rosen Co.

LABEL IN PART: (Case) "1203 Item 78 * * * Eppy Pops E. Rosen Company, Pawtucket, R.I."

LIBELED: 7-31-61, E. Dist. N.Y.

CHARGE: 402(a)(1)—when shipped, the article contained an added deleterious substance, namely, plastic sticks, which may render it injurious to health; and 402(d)—the article was confectionery and it contained a nonnutritive substance, namely, plastic sticks.

DISPOSITION: 8-29-61. Default—destruction.

27477. Wolch's butter mints. (F.D.C. No. 45919. S. No. 59-504 R.)

QUANTITY: 699 cases, 36 cellophane bags each, at Chicago, Ill.

SHIPPED: 4-28-61, from Sharonville, Ohio, by Kern Foods, Inc.

LABEL IN PART: (Bag) "Wolch's Fresh Pac Plain [or "Cherry," "Molasses," "Orange," "Chocolate Chip," or "Mint Julep"] Butter Mints made with Pure Creamery Butter Ingredients: * * * Hydrogenated Vegetable Oil, Butter * * * Net Weight 8 Ounces Packed for Wolch Nut & Candy Co. Chicago, Illinois by Wolch Nut & Candy Co."

RESULTS OF INVESTIGATION: Examination showed the product to be small, oval-shaped pieces of candy of various flavors and colors, containing less than 1 percent butterfat.

LIBELED: 5-31-61, N. Dist. Ill.

CHARGE: 403(a)—when shipped, the name "Butter Mints," the label statement "made with Pure Creamery Butter," and the vignette showing a cube of melting butter, were misleading, since they suggested a significantly higher butter content than was present in the product, and since the butter flavor was due primarily to artificial butter flavor; and 403(f)—the ingredient and net weight statements were not prominently placed on the label with such

conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 7-13-61. Consent—claimed by Wolch's Nut & Candy Co.; re-packed and relabeled.

27478. Peanut brittle mix. (F.D.C. No. 46307. S. No. 88-686 R.)

QUANTITY: 1,418 cases, 12 boxes each, each box containing 3 envelopes of ingredients, at Davenport, Iowa.

SHIPPED: 3-6-61, from Moline, Ill., by Fresh Pak Candy Co.

LABEL IN PART: (Box) "New Easy to make Thinshell Peanut Brittle Mix * * * Net Wt. 16¼ Oz. * * * Easy Instructions * * * A Product of Lusk Candy Co., Davenport, Iowa."

LIBELED: 8-18-61, S. Dist. Iowa.

CHARGE: 403(f)—when shipped, the information required to appear on the label within the meaning of 403(e)(2) and (i)(2), namely, an accurate statement of the quantity of the contents, and the common or usual name of each ingredient, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 9-18-61. Consent—claimed by Fresh Pak Candy Co., and relabeled.

27479. Tootsie Rolls. (F.D.C. No. 46201. S. No. 49-293 R.)

QUANTITY: 137 ctns., 24 pkgs. of 6 individually wrapped candy rolls each, at Chicago, Ill.

SHIPPED: 5-29-61, from Hoboken, N.J., by Sweets Co. of America, Inc.

LABEL IN PART: (Pkg.) "Multi-Pak Net Weight 9 Oz. * * * Tootsie Rolls * * * The Sweets Company of America, Inc., Hoboken, New Jersey."

RESULTS OF INVESTIGATION: Examination showed that the packages of 6 candy rolls each were short weight.

LIBELED: 8-1-61, N. Dist. Ill.

CHARGE: 403(e)(2)—when shipped, the article failed to bear an accurate statement of the quantity of contents.

DISPOSITION: 8-30-61. Default—delivered to a charitable institution.

SIRUP AND SUGAR

27480. Sirup. (F.D.C. No. 46175. S. No. 80-798 R.)

QUANTITY: 45 cases, 12 jars each, at Birmingham, Ala.

SHIPPED: 4-3-61, from New Orleans, La., by Anheuser-Busch, Inc.

LABEL IN PART: (Case) "12/1 Quart Decanters * * * Delta Syrup Anheuser-Busch, Inc. St. Louis, Mo. New Orleans, La." and (jar) "Delta Syrup Net Contents 1 Quart * * * Manufactured by Anheuser-Busch, Inc., St. Louis, Mo. New Orleans, La."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-14-61, N. Dist. Ala.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 8-25-61. Consent—claimed by Anheuser-Busch, Inc., and repacked.

27481. Sirup. (F.D.C. No. 46134. S. No. 31-578 R.)

QUANTITY: 64 cases, 6 jars each, at New Orleans, La.

SHIPPED: 4-19-61 and 4-26-61, from Montgomery, Ala., by Alaga Syrup Co.

LABEL IN PART: (Jar) "Alaga Syrup * * * Net Wt. 4 Lbs. * * * Packed by Alaga Syrup Co., Montgomery, Ala."

LIBELED: 7-21-61, E. Dist. La.

CHARGE: 403(a)—when shipped, the label statement "Net Weight 4 lbs." was false and misleading since the article contained less than 4 pounds; and 403(f)—the mandatory information required to appear on the label within the meaning of 403(e)(2) and (i)(2) was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 9-6-61. Default—delivered to charitable institutions.

27482. Sorghum sirup. (F.D.C. No. 45723. S. Nos. 39-736/9 R.)

QUANTITY: 20 4¼-lb. cans, 241 4¼-lb. jars, 48 cases, 12 22-oz. jars each, 12 cases, 12 4¼-lb. cans each, 21 4¼-lb. jars, and 164 22-oz. jars, at Dongola, Ill.

SHIPPED: On 10-25-60 and 11-26-60, from Monroe, La., in unlabeled containers, to Jack Anderson, Olmsted, Ill., who affixed labels to the containers and then shipped the article to Dongola, Ill. The article was then shipped to Hayti, Mo., and returned to Dongola, Ill., on 3-2-61 and 3-3-61.

LABEL IN PART: (Cans and jars) "Good Old Country Sorghum Made for and sold by Jack Anderson * * * P.O. Box 124 Olmsted, Illinois."

RESULTS OF INVESTIGATION: Examination showed that the article was principally sugar sirup.

LIBELED: 4-18-61, E. Dist. Ill.

CHARGE: 402(b)(2)—when shipped, sugar sirup had been substituted in whole or in part for sorghum sirup; and 403(a)—the label statement "Sorghum" was false and misleading.

DISPOSITION: 6-2-61. Default—delivered to a charitable institution.

27483. Sorghum sirup. (F.D.C. No. 44839. S. Nos. 24-358/9 R.)

QUANTITY: 32 cases, 12 4¼-lb. cans each, and 44 cases, 12 2-lb. jars each, at St. Joseph, Mo.

SHIPPED: 10-18-60, from Haileyville, Okla., by C. S. Watson.

LABEL IN PART: (Cans and jar) "Watson's Indian Creek Brand Syrup * * * Sorghum Made from cane * * * C. S. Watson * * * Haileyville, Oklahoma."

RESULTS OF INVESTIGATION: Examination showed the article to be a mixture of sorghum sirup and invert sugar sirup.

LIBELED: 10-26-60, W. Dist. Mo.

CHARGE: 402(b)(2)—when shipped, a mixture of sorghum sirup and invert sugar sirup had been substituted in part for sorghum sirup; and 403(a)—the label statements "Sorghum" were false and misleading.

DISPOSITION: 12-30-60. Consent—claimed by C. S. Watson, and relabeled.

27484. Honey. (F.D.C. No. 46164. S. No. 71-280 R.)

QUANTITY: 24 cases, 24 jars each, at Albert Lea, Minn.

SHIPPED: 4-10-61, from Milford, Mich., by Honey Moon Products Co.

LABEL IN PART: (Jar) "Net Weight 1 lb. * * * Monarch U.S. Grade A Pure Honey Fancy Consolidated Foods Corporation Distributors—Chicago, Ill."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-4-61, Dist. Minn.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 9-21-61. Default—delivered to charitable institutions.

27485. Sugar. (F.D.C. No. 46231. S. No. 78-959 R.)

QUANTITY: 419 100-lb. bags at Baltimore, Md.

SHIPPED: 6-11-61, from Mercedita, P.R.

LIBELED: 8-4-61, Dist. Md.

CHARGE: 402(a)(3)—contained rodent hairs, mold, plant and wood fibers, feathers, and dirt particles, while held for sale.

DISPOSITION: 9-6-61. Consent—claimed by Olavaria & Co., Inc., and re-refined.

27486. Sugar. (F.D.C. No. 46039. S. Nos. 5-893 R, 78-939/40 R, 87-184/5 R.)

QUANTITY: 108 100-lb. bags; 130 100-lb. bags, 31 100-lb. bags; 13 bags, 1,186 lbs. total; and 31 bags, 2,492 lbs. total, at Baltimore, Md., in possession of Bull-Insular Line, Inc.

SHIPPED: Between 5-5-61 and 5-30-61, from Mercedita, San Juan, and Humacao, P.R.

LIBELED: 6-29-61, Dist. Md.

CHARGE: 402(a)(3)—contained (108-bag lot) insects and rodent hairs, and (31-bag lot and 13-bag lot) numerous miscellaneous particles of vegetable and mineral origin; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 9-28-61. Consent—claimed by A. H. Bull Steamship Co., and converted into adhesives for non-food use.

27487. Sugar. (F.D.C. No. 45917. S. Nos. 65-774/5 R.)

QUANTITY: 130 100-lb. bags at Baltimore, Md., in possession of Bull-Insular Line, Inc.

SHIPPED: 4-21-61 and 4-22-61, from Mercedita and San Juan, P.R.

LIBELED: 6-1-61, Dist. Md.

CHARGE: 402(a)(4)—held under insanitary conditions.

DISPOSITION: 9-28-61. Consent—claimed by A. H. Bull Steamship Co., and converted into adhesives for non-food uses.

DAIRY PRODUCTS**BUTTER**

27488. **Butter.** (F.D.C. No. 46091. S. No. 70-856 R.)

QUANTITY: 15 64-lb. cases at Charlestown, Mass.

SHIPPED: Milk was shipped by various receiving stations in Maine, New Hampshire, New York, and Vermont.

RESULTS OF INVESTIGATION: Examination showed that the butter was made from decomposed cream which was separated from fluid milk shipped as described above.

LIBELED: 7-19-61, Dist. Mass.

CHARGE: 402(a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 8-14-61. Default—destruction.

CHEESE

27489. **Swiss cheese.** (F.D.C. No. 45833. S. No. 73-035 R.)

QUANTITY: 187 ctns., 24 unlabeled cellophane bags each, at Los Angeles, Calif.

SHIPPED: 5-11-61, from Monroe, Wis., by Swiss Colony (a name used by Green County Cheese Co.).

LABEL IN PART: (Ctn.) "Swiss Chunks 13-13½ 5 B 3."

RESULTS OF INVESTIGATION: Examination showed that artificial holes, or eyes, had been cut into the cheese.

LIBELED: 6-12-61, S. Dist. Calif.

CHARGE: 402(b) (3)—when shipped, artificial eyes had been cut into the cheese, thereby concealing inferiority of the article.

DISPOSITION: 8-7-61. Default—delivered to charitable institutions.

MILK

27490. **Canned evaporated milk.** (F.D.C. No. 45950. S. No. 84-277 R.)

QUANTITY: 241 cases, 48 6-oz. cans each, and 1,791 cases, 48 14½-oz. cans each, at Brooklyn, N.Y., in possession of Bush Terminal.

SHIPPED: 4-6-61, from outside the State of New York.

RESULTS OF INVESTIGATION: Examination showed that the article was submerged in polluted New York harbor river water.

LIBELED: 6-14-61, E. Dist. N.Y.

CHARGE: 402(a) (4)—held under insanitary conditions due to having been submerged in polluted river water.

DISPOSITION: 7-5-61. Consent—destruction.

27491. **Nonfat dry milk.** (F.D.C. No. 45909. S. No. 70-841 R.)

QUANTITY: 104 100-lb. bags at Boston, Mass., in possession of Kelso Warehouse, Inc.

SHIPPED: 6-1-60, from Eagle Bridge, N.Y.

LIBELED: 5-29-61, Dist. Mass.

CHARGE: 402(a)(3)—contained rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 7-11-61. Default—delivered to a public institution for use as animal feed.

27492. Nonfat dry milk. (F.D.C. No. 46168. S. No. 27-500 R.)

QUANTITY: 218 cases, 12 pkgs. each, at St. Paul, Minn.

SHIPPED: 6-12-61, from Elsie, Mich., by Michigan Milk Producers Association.

LABEL IN PART: (Pkg.) "Net Wt. 1 lb. 9 $\frac{3}{8}$ Oz. Super Instant Fairway Nonfat Dry Milk (Dry Skim Milk) Makes 8 Quarts Packed for Fairway Foods, Inc. St. Paul, Minn."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-10-61, Dist. Minn.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 10-2-61. Default—delivered to charitable institutions.

EGGS

27493. Frozen eggs. (F.D.C. No. 46068. S. No. 56-790 R.)

QUANTITY: 145 30-lb. cans at New York, N.Y.

SHIPPED: 5-23-61, from Greensburg, Ind., by C. E. Vines Egg Co.

LABEL IN PART: (Can) "EggCo Brand Quick Frozen Whole Eggs Distributed by Egg Corporation of America, New York, New York."

LIBELED: 7-10-61, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained decomposed eggs when shipped.

DISPOSITION: 8-9-61. Consent—claimed by Vines Poultry Farms, Osgood, Ind. Segregated; 52 cans denatured.

FEEDS AND GRAINS

27494. Canned cat food. (F.D.C. No. 45747. S. No. 18-383 R.)

QUANTITY: 751 cases, 48 15-oz. cans each, at Ogden, Utah.

SHIPPED: Between 1-5-61 and 4-7-61, from Hillsboro, Oreg., by Albers Milling Co.

LABEL IN PART: (Can) "New Friskies 'Chicken Dinner' Cat Food * * * Distributed by Albers Milling Company, A Division of Carnation Company, Los Angeles, California. A complete Food * * * with all the taste appeal of plump, country-fresh roasted chicken. Complete nourishment and extra flavor are assured by blending tender chicken goodness with choice whole fish, select cereals and nutritional supplements."

LIBELED: 5-1-61, Dist. Utah.

CHARGE: 403(a)—when shipped, the label statements "Chicken Dinner" and "the taste appeal of plump, country-fresh roasted chicken" were false and misleading as applied to a product consisting essentially of chicken viscera, chicken backs, chicken necks, fish, and cereals.

DISPOSITION: 7-12-61. Consent—claimed by Carnation Co., Los Angeles, Calif., and relabeled.

FISH AND SHELLFISH

27495. Anchovies. (F.D.C. No. 46445. S. No. 12-722 T.)

QUANTITY: 1,902 cases, 25 cans each, at Chicago, Ill.

SHIPPED: 4-28-61 and 6-1-61, from Portugal.

LABEL IN PART: (Can) "Tome Brand Flat Fillets of Anchovies in Pure Olive Oil * * * Packed by Tome, Limitada, Olhao, Portugal Product of Portugal Net Weight 2 Oz. Avoir."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 9-8-61, N. Dist. Ill.

CHARGE: 403(e) (2)—when shipped, the article failed to bear an accurate statement of the quantity of contents.

DISPOSITION: 9-27-61. Consent—claimed by P. V. Bright & Co., Chicago, Ill., and relabeled.

27496. Frozen whiting. (F.D.C. No. 46204. S. No. 70-714 R.)

QUANTITY: 495 cases, 5 10-lb. ctns. each, at Gloucester, Mass.

SHIPPED: The article was from fish caught by the fishing vessel "Eagle" in the waters of the Atlantic Ocean outside the territorial limits of Massachusetts, and unloaded at Gloucester, Mass., on 7-24-61.

LIBELED: 8-11-61, Dist. Mass.

CHARGE: 402(a) (3)—contained decomposed fish when shipped.

DISPOSITION: 10-2-61. Default—delivered to a public institution for use as animal feed.

27497. Frozen hard shell crabs. (F.D.C. No. 45350. S. No. 12-796 R.)

QUANTITY: 51 boxes at Chicago, Ill.

SHIPPED: 8-13-60, from New Orleans, La.

LIBELED: 1-13-61, N. Dist. Ill.

CHARGE: 402(a) (3)—contained decomposed crabmeat while held for sale.

DISPOSITION: 2-14-61. Default—destruction.

27498. Canned crabmeat. (F.D.C. No. 43760. S. No. 75-541 R.)

QUANTITY: 70 1-lb. cans at Baltimore, Md.

SHIPPED: 5-5-61, from Panacea, Fla., by R. C. Bradshaw.

LABEL IN PART: (Can) "R. C. Bradshaw * * * Claw Panacea, Fla. Fla. 75C."

LIBELED: 5-9-61, Dist. Md.

CHARGE: 402(a) (4)—prepared under insanitary conditions.

DISPOSITION: 7-12-61. Default—destruction.

27499. Lump crabmeat. (F.D.C. No. 43763. S. No. 58-334 R.)

QUANTITY: 290 cans at Baltimore, Md.

SHIPPED: 6-23-61, from Havana, Fla., by Havana Crabmeat Plant, Inc.

LABEL IN PART: "Lump Crabmeat Havana Crabmeat Plant Havana, Fla. Fla. 105C."

LIBELED: 6-26-61, Dist. Md.

CHARGE: 402(a)(4)—prepared under insanitary conditions.

DISPOSITION: 7-6-61. Consent—destruction.

27500. Shrimp cocktail (2 seizure actions). (F.D.C. No. 45866. S. Nos. 81-647/8 R, 81-650 R.)

QUANTITY: 386 cases, 24 jars each, at Birmingham, Ala.

SHIPPED: Between 10-3-60 and 5-19-61, from Newark, N.J., by Tastee Cocktails, Inc.

LABEL IN PART: (Jar lid) "Tastee Shrimp Cocktail Contents 3¾ Oz. * * * Tastee Cocktails, Inc., Newark, N.J."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 7-11-61, N. Dist. Ala.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 8-22-61. Default—delivered to charitable institutions.

27501. Frozen shrimp. (F.D.C. No. 45859. S. No. 86-486 R.)

QUANTITY: 166 cases, 10 5-lb. ctns. each, at Dallas, Tex.

SHIPPED: 5-11-61, from Sinaloa, Mexico.

LIBELED: 7-24-61, N. Dist. Tex.

CHARGE: 402(a)(3)—contained decomposed shrimp while held for sale.

DISPOSITION: 9-8-61. Default—destruction.

27502. Frozen shrimp. (F.D.C. No. 45386. S. Nos. 25-443/4 R, 26-406 R, 32-707/9 R, 34-280 R, 34-441 R.)

QUANTITY: 2,335 cases, 10 5-lb. ctns. each, at Claremont, Calif.

SHIPPED: 11-12-60, from Nogales, Ariz., by Wilbur-Ellis Co.

LABEL IN PART: (Ctn.) "Ocean Garden Frozen Fresh Shrimp * * * Packed for Ocean Gardens Products, Inc., San Diego, Calif." and "Ocean Star Frozen Fresh Golden Shrimp * * * Prod. of Mexico Packed for Ocean Gardens Products, Inc., San Diego, Calif."

LIBELED: 1-10-61, S. Dist. Calif.

CHARGE: 402(a)(3)—contained miscellaneous dirt, and was otherwise unfit for food by reason of smoke contamination when shipped.

DISPOSITION: 2-1-61. Consent—claimed by Wilbur-Ellis Co., Los Angeles, Calif. Segregated; 776 cases denatured for use as bait shrimp.

27503. Smoked shrimp paté. (F.D.C. No. 46325. S. No. 64-699 R.)

QUANTITY: 5 cases, 24 cans each, at San Francisco, Calif.

SHIPPED: 6-21-61, from New York, N.Y., by Pinesbridge Farm, Inc.

LABEL IN PART: (Can lid) "Net Wt. 3 Ozs. Pinesbridge Original Smoked Shrimp Paté * * * Packed for Pinesbridge Farm, Inc., New York, New York."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-29-61, N. Dist. Calif.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 9-21-61. Default—delivered to a charitable institution.

FRUITS AND VEGETABLES**CANNED FRUIT**

27504. Maraschino cherries. (F.D.C. No. 46151. S. No. 71-289 R.)

QUANTITY: 28 boxes, 24 jars each, at Hopkins, Minn.

SHIPPED: 3-15-61, from Chicago, Ill., by Realemon-Puritan Co.

LABEL IN PART: (Box) "2 Doz. 8 Oz. Regency Plain Cherries * * * Maraschino Cherries" and (jar) "Regency Brand Maraschino Cherries Contents 8 Ozs. Realemon-Puritan Company Chicago 9, Illinois."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-2-61, Dist. Minn.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 9-20-61. Default—delivered to a charitable institution.

MISCELLANEOUS FRUIT PRODUCTS

27505. Apple juice. (F.D.C. No. 45636. S. No. 53-563 R.)

QUANTITY: 264 cases, 12 1-qt. btls. each, at St. Paul, Minn.

SHIPPED: 10-26-60, from Kansas City, Mo., by Speas Co.

LABEL IN PART: (Btl.) "Speas Apple Juice * * * Packed by Speas Company, Kansas City, Mo."

LIBELED: 4-20-61, Dist. Minn.

CHARGE: 402(a) (3)—prepared from filthy raw material; and 402(a) (4)—prepared and packed under insanitary conditions.

DISPOSITION: 6-19-61. Default—destruction.

27506. Apple juice. (F.D.C. No. 46319. S. No. 74-452 R.)

QUANTITY: 2,173 cases, 48 cans each, at Los Angeles, Calif.

SHIPPED: 6-30-61, from Grand Rapids, Mich., by Pet Milk Co., Food Products Div.

LABEL IN PART: (Can) "Crystal Puro Jugo De Manzana Envasado Por: Pet-Ritz Foods Division of Pet Milk Company, Frankfort, Mich. * * * Contenido Neto: 5¼ Oz. Fluidas."

LIBELED: 8-25-61, S. Dist. Calif.

CHARGE: 403(f)—when shipped, the information required to appear on the label within the meaning of 403 (e) (2) and (i) (1), namely, an accurate statement of the quantity of the contents, and the common or usual name of the food, was not printed thereon in the English language.

DISPOSITION: 9-27-61. Default—delivered to charitable institutions.

27507. Preserved figs (2 seizure actions). (F.D.C. Nos. 45584, 45585. S. Nos. 2-761/3 R, 2-765/8 R.)

QUANTITY: 4 cases, 12 18-oz. jars each, 16 cases, 12 15-oz. jars each, and 43 cases, 24 10-oz. jars each, at Griffin, Ga.; and 352 cases, 12 18-oz. jars each, 99 cases, 12 15-oz. jars each, and 55 cases, 24 10-oz. jars each, at Atlanta, Ga.

SHIPPED: 8-11-59 and 2-4-60, from League City, Tex., by Tyrrell & Garth, Inc.

LABEL IN PART: (Jar) "Garth Famous Old Fashion Preserved Figs [or "Garth Texas Skinless Preserved Figs," "Garth Old Southern Pure Fig Preserves," or "Fruit of Eden Brand Texas Skinless Preserved Figs"] * * * Packed by Tyrrell & Garth, Inc., Houston & League City, Texas."

LIBELED: 5-17-60 and 5-24-60, N. Dist. Ga.

CHARGE: 402(a) (3)—contained insects when shipped.

DISPOSITION: 8-2-60. Consent—claimed by Tyrrell & Garth, Inc. The figs were removed from the jars and destroyed.

PRESERVES

27508. Strawberry preserves. (F.D.C. No. 46169. S. No. 71-551 R.)

QUANTITY: 86 cases, 12 jars each, at Saint Louis Park, Minn.

SHIPPED: 6-12-61, from Fargo, N. Dak., by Paul Mark, Inc.

LABEL IN PART: (Jar) "PM Imperial Pure Strawberry Preserves Net Contents 2 Pounds Mfg. by Paul Mark, Inc., Fargo, North Dakota" and (case) "12 2-lb. jars Strawberry Preserves."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-9-61, Dist. Minn.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 9-29-61. Default—delivered to charitable institutions.

VEGETABLES AND VEGETABLE PRODUCTS

27509. Canned cut green beans. (F.D.C. No. 45349. S. No. 5-764 R.)

QUANTITY: 264 cases, 24 1-lb. cans each, at Charleston, W. Va.

SHIPPED: 11-14-60, from Cayuga, Ind., by Morgan & Son's Canning Co., Inc.

LABEL IN PART: (Can) "Daisy Brand Stringless Cut Green Beans * * * Packed by Morgan & Son's Canning Co., Inc., Cayuga, Indiana."

LIBELED: 1-17-61, S. Dist. W. Va.

CHARGE: 403(h) (1)—when shipped, the article fell below the standard of quality for canned cut green beans, since there were more than 8 percent by count of blemished units in the article, and its label failed to bear, as required by regulations, a statement that it fell below such standard.

DISPOSITION: 2-6-61. Default—delivered to charitable institutions.

27510. Canned peas. (F.D.C. No. 46060. S. No. 63-328 R.)

QUANTITY: 86 cases, 24 15-oz. cans each, at Middlesboro, Ky.

SHIPPED: 4-8-61, from Siloam Springs, Ark., by Allen Canning Co.

LABEL IN PART: (Can) "The Allens Medium Early June Peas * * * Prepared from dry Peas * * * Allen Canning Company, Packers & Distributors Siloam Springs, Ark."

RESULTS OF INVESTIGATION: Examination showed that the article was green peas of a smooth skin variety, substandard in quality because of the presence therein of an excessive number of ruptured peas and because the alcohol-insoluble solids were more than 23.5 percent.

LIBELED: 8-8-61, E. Dist. Ky.

CHARGE: 403(a)—when shipped, the label vignette depicting succulent green peas was false and misleading as applied to an article which was prepared from dried peas; 403(g) (2)—the article purported to be and was represented as canned peas, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear the name of the optional pea ingredient present in such food since such definition and standard provides that the label for canned peas shall name the optional pea ingredient present in such food by the use of the words "Dried Early" or "Dried June" or "Dried Early June"; and 403(h) (1)—the article fell below the standard of quality for canned peas since the article contained more than 25 percent by count of peas ruptured to a width of more than $\frac{1}{16}$ ", and the article was a smooth skin variety of peas, and the alcohol-insoluble solids of peas in the container were more than 23.5 percent, and its label failed to bear a statement that it fell below such standard.

DISPOSITION: 9-22-61. Default—destruction.

27511. Canned mushrooms. (F.D.C. No. 46296. S. No. 59-877 R.)

QUANTITY: 35 cases, 12 cans each, at Honolulu, Hawaii.

SHIPPED: 7-13-61, from Lacey, Wash., by Olympia Mushroom Farms, Inc.

LABEL IN PART: (Can) "Dawn Fresh Fancy Buttons Mushrooms Net Drained Wt. 16 Oz. Avd. Distributed by Olympia Mushroom Farms, Inc., Olympia, Wash."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-18-61, Dist. Hawaii.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents; and 403(h) (2)—the article fell below the standard of fill of container for canned mushrooms since the article was in a container designated in the trade as 307 x 510 and the weight of drained mushrooms therein was less than 16 ounces avoirdupois, and its label failed to bear, as required by regulations, a statement that it fell below such standard.

DISPOSITION: 9-22-61. Default—delivered to charitable institutions.

27512. Cocktail mushrooms. (F.D.C. No. 46089. S. No. 79-571 R.)

QUANTITY: 8 cases, 24 jars each, at Baltimore, Md.

SHIPPED: 3-22-61, from Kennett Square, Pa., by D. Vincenti & Co.

LABEL IN PART: (Jar lid) "Vincenti Cocktail Mushrooms * * * Wt. 3½ Ozs. Net Avd. D. Vincenti & Co. Packers, Kennett Square, Pa.

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 7-18-61, Dist. Md.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 8-10-61. Default—destruction.

27513. Mung beans. (F.D.C. No. 45832. S. No. 64-836 R.)

QUANTITY: 64 100-lb. bags at San Francisco, Calif., in possession of Wing Sing Chong Co., Inc.

SHIPPED: 8-25-59, from Chickasha, Okla.

LIBELED: 6-14-61, N. Dist. Calif.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 8-14-61. Default—destruction.

27514. Canned kidney beans. (F.D.C. No. 46154. S. No. 88-565 R.)

QUANTITY: 118 cases, 24 cans each, at Des Moines, Iowa.

SHIPPED: Between 6-20-61 and 7-5-61, from Minneapolis, Minn., by Butter Kernel Products.

LABEL IN PART: (Can) "Butter Brand Kernel Red Kidney Beans * * * Net Contents 15½ Ozs. * * * Butter Kernel Products Distributed by Minnesota Consolidated Canneries, Inc., Minneapolis, Minnesota."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-1-61, S. Dist. Iowa.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 9-6-61. Consent—claimed by Butter Kernel Products, and relabeled.

27515. Dried white beans. (F.D.C. No. 46176. S. No. 66-881 R.)

QUANTITY: 51 cases, 12 bags each, at Houston, Tex.

SHIPPED: 6-26-61, from Mountainair, N. Mex., by Potts Wilson Co.

LABEL IN PART: (Bag) "Net Weight Two Pounds Washburn's California Small White Beans Washburn's Fort Worth, Texas."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-11-61, S. Dist. Tex.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 9-13-61. Default—delivered to charitable agencies.

27516. Dried garbanzos and dried pinto beans. (F.D.C. No. 46119. S. No. 51-362 R.)

QUANTITY: 13 100-lb. bags at Englewood, Colo., in possession of K & R Foods.

SHIPPED: 3-3-60, from Stockton, Calif.

LIBELED: 7-17-61, Dist. Colo.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 9-1-61. Default—destruction.

27517. Pork and beans. (F.D.C. No. 46291. S. No. 52-172 R.)

QUANTITY: 129 cases, 24 cans each, at Albuquerque, N. Mex.

SHIPPED: Between 6-15-61 and 7-7-61, from Fort Worth, Tex., by Kimbell Food Products Co.

LABEL IN PART: (Case) "24 No—2½ Kimbell's Pork & Beans Kimbell Food Products Co.—Fort Worth, Texas" and (can) "Kimbell's Pork and Beans * * * Net Weight 1 Lb. 15 Oz. Packed by Kimbell Food Products Co. Fort Worth, Texas."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-24-61, Dist. N. Mex.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 9-25-61. Default—delivered to a charitable institution.

27518. Potato Chipples. (F.D.C. No. 46295. S. No. 53-852 R.)

QUANTITY: 62 cases, 12 boxes each, at Fargo, N. Dak.

SHIPPED: Between 7-10-61 and 7-14-61, from East Grand Forks, Minn., by Scott's Potato Chip Co.

LABEL IN PART: (Box) "Red Owl Potato Chipples * * * Red Owl Stores, Inc. Distributors. Minneapolis, Minnesota, Net Weight 8 ozs."

LIBELED: 8-14-61, Dist. N. Dak.

CHARGE: 403(f)—when shipped, the information required to appear on the label within the meaning of 403 (e) (2), (i) (2), and (k), namely, an accurate statement of the quantity of the contents, the common or usual name of each ingredient, and a statement of the fact that a chemical preservative had been added, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 9-1-61. Default—delivered to charitable institutions.

27519. Olives. (F.D.C. No. 46148. S. No. 94-393 R.)

QUANTITY: 30 cases, 12 jars each, at Toledo, Ohio.

SHIPPED: 5-16-61 and 6-21-61, from Detroit, Mich., by Mario's Food Products Co.

LABEL IN PART: (Jar lid) "Marionette Bot. No. 12 Selected Olives * * * Dr. Wt. 7½ Mario's Food Prod. Co. Detroit, Michigan."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 7-31-61, N. Dist. Ohio.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 9-15-61. Default—delivered to a charitable institution.

27520. Onion soup mix. (F.D.C. No. 46114. S. No. 70-197 R.)

QUANTITY: 43 cases, 12 jars each, at Providence, R.I.

SHIPPED: 2-7-61 and 3-10-61, from Suffern, N.Y., by Blue Ribbon Foods, Inc.

LABEL IN PART: (Jar) "Croyden House Kosher Pareve Instant Onion Soup Mix Net Weight 5 oz. Made Under The Supervision of Rabbi Jacob Cohen, Spring Valley, N.Y. * * * Packed by Blue Ribbon Foods, Inc., Suffern, N.Y."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-2-61, Dist. R.I.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 8-24-61. Default—delivered to charitable institutions.

27521. Canned sour pickles. (F.D.C. No. 46331. S. No. 96-925 R.)

QUANTITY: 28 cases, 6 1-gal. cans each, at Cresson, Pa.

SHIPPED: 8-15-60, from Vineland, N.J., by Kane-Miller Corp., for Alliance Foods, Inc., Buena, N.J.

LABEL IN PART: (Can) "Colony Brand Sour Pickles * * * Packed by Colony Foods Vineland, N.J. King George, Va."

RESULTS OF INVESTIGATION: Inspection of the packer, Alliance Foods, Inc., showed that insanitary conditions existed which would result in contamination of the article.

LIBELED: 9-12-61, W. Dist. Pa.

CHARGE: 402(a)(3)—contained insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 10-4-61. Default—destruction.

27522. Zucca melon. (F.D.C. No. 45653. S. No. 57-542 R.)

QUANTITY: 104 525-lb. bbls. at Forest Grove, Oreg.

SHIPPED: 10-10-60, from Palermo, Calif., by California Zucca Melon Products.

LABEL IN PART: (Barrel) "Zucca Melon in Salt Brine Grade $\frac{3}{8}$ inch diced * * * No. 20 From California Zucca Melon Products Palermo, California."

LIBELED: 5-12-61, Dist. Oreg.

CHARGE: 402(a)(3)—contained *Drosophila* flies and fly fragments when shipped.

DISPOSITION: 7-11-61. Consent—claimed by California Zucca Melon Products. Segregated; 8,325 lbs. destroyed.

TOMATOES

27523. Canned tomatoes. (F.D.C. No. 45810. S. No. 54-601 R.)

QUANTITY: 405 cases, 24 1-lb. 12-oz. cans each, at Minneapolis, Minn.

SHIPPED: 1-26-61 and 3-6-61, from Proviso, Ill.

LIBELED: 5-24-61, Dist. Minn.

CHARGE: 402(a)(3)—contained decomposed tomatoes while held for sale.

DISPOSITION: 7-26-61. Consent—claimed by Hunt Foods & Industries, Inc., Fullerton, Calif. Segregated; 6 cases destroyed.

NUTS AND NUT PRODUCTS

27524. Shelled pecans. (F.D.C. No. 45868. S. Nos. 80-351/2 R.)

QUANTITY: 22 cases, 12 pkgs. each, and 30 cases, 24 pkgs. each, at Oklahoma City, Okla.

SHIPPED: 5-15-61 and 6-2-61, from San Antonio, Tex., by Guadalupe Valley Pecan Co.

LABEL IN PART: (Bag) "Home Delight Pecans * * * Net Wt. 6 oz. [or "3 oz."] Guadalupe Valley Pecan Co., San Antonio, Texas."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 7-12-61, W. Dist. Okla.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 8-16-61. Default—delivered to a public institution.

27525. Shelled pecans. (F.D.C. No. 46138. S. No. 85-230 R.)

QUANTITY: 24 cases, 24 pkgs. each, at Oklahoma City, Okla.

SHIPPED: Between 6-12-61 and 7-3-61, from San Antonio, Tex., by Sunshine Pecan Co.

LABEL IN PART: (Pkg.) "TP Pecans Travis Pecan Co., San Antonio, Texas Net Wt. 2 Oz."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 7-24-61, W. Dist. Okla.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 8-15-61. Default—delivered to a public institution.

27526. Shelled pecans. (F.D.C. No. 45905. S. No. 59-470 R.)

QUANTITY: 27 ctns. at Chicago, Ill., in possession of John B. Sanfilippo & Son, Inc.

SHIPPED: 3-18-61, from Ardmore, Okla.

RESULTS OF INVESTIGATION: The article was shipped unshelled as described above and was shelled and repacked by the dealer.

LIBELED: 5-24-61, N. Dist. Ill.

CHARGE: 402(a)(3)—contained *E. coli*; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 6-21-61. Consent—claimed by John B. Sanfilippo & Son, Inc., and reconditioned to remove all filth.

27527. Shelled pecans. (F.D.C. No. 45761. S. No. 57-646 R.)

QUANTITY: 76 30-lb. boxes at Miami, Fla.

SHIPPED: 1-24-61, from Fort Worth, Tex., by Ellis Pecan Co., Inc.

LABEL IN PART: (Box) "Amber Pcs. Large [or "Medium"] * * * Majic Brand Prod. Co. * * * Miami, Florida."

LIBELED: 5-5-61, S. Dist. Fla.

CHARGE: 402(a)(3)—contained *E. coli* when shipped.

DISPOSITION: 7-14-61. Consent—claimed by Ellis Pecan Co., Inc., and destroyed.

27528. Shelled walnuts. (F.D.C. No. 45906. S. No. 13-513 R.)

QUANTITY: 70 30-lb. ctns. at Chicago, Ill.

SHIPPED: 1-19-61, from Chico, Calif., by Donig Co., Inc.

LABEL IN PART: (Ctn.) "California Shelled Walnuts 1595 * * * Martin Donig Nut Co. San Francisco, Calif."

LIBELED: 5-25-61, N. Dist. Ill.

CHARGE: 402(a)(3)—contained *E. coli* when shipped.

DISPOSITION: 6-29-61. Consent—claimed by Donig Co., Inc., and reconditioned.

27529. Shelled walnuts. (F.D.C. No. 46318. S. No. 20-813 R.)

QUANTITY: 235 cases, 24 bags each, at Detroit, Mich.

SHIPPED: 7-14-61, from Stockton, Calif., by Diamond Walnut Growers, Inc.

LABEL IN PART: (Bag) "Diamond Brand California * * * Walnuts $\frac{3}{4}$ Cup Net Weight 85 gms. 3 ozs. * * * Packed by Diamond Walnut Growers, Inc., Stockton, California."

LIBELED: 8-31-61, E. Dist. Mich.

CHARGE: 403(f)—when shipped, the information required to appear on the label within the meaning of 403 (e) (1), (i) (2), and (k), namely, the name and address of the manufacturer, packer, or distributor, the common or usual name of each ingredient, and the statement of the fact that a chemical preservative was present, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 9-29-61. Consent—claimed by Diamond Walnut Growers, Inc.; repacked and relabeled.

27530. Walnuts in sirup. (F.D.C. No. 46237. S. Nos. 70-237 R, 81-207 R.)

QUANTITY: 30 cases, 12 jars each, at Providence, R.I.

SHIPPED: Between 6-7-61 and 7-5-61, from Brighton, Mass., by H. A. Johnson Co.

LABEL IN PART: (Jar) "Murray's Walnuts in Syrup Net Wt. $7\frac{1}{2}$ Ozs. * * * Mfd. by The Murray Co. Boston, Mass."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: On or about 8-16-61, Dist. R.I.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of the contents; and 403(f)—the mandatory information required to appear on the label under 403(e), namely, the name and address of the manufacturer, packer, or distributor, and the quantity of contents statement, was not prominently placed thereon (as compared with other words and statements on the label) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 9-15-61. Default—delivered to charitable institutions.

27531. Peanut butter. (F.D.C. No. 45528. S. No. 26-012 R.)

QUANTITY: 220 33-lb. cans at Tucson, Ariz.

SHIPPED: 1-22-61, and other unknown dates, from Aubrey, Tex., by Choice Products Co., Inc.

LABEL IN PART: (Can) "La-Nut Pure Peanut Butter * * * LA. Nuthouse. Los Angeles, Calif."

LIBELED: 3-29-61, Dist. Ariz.

CHARGE: 402(a)(3)—contained insect fragments and insect larvae; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 8-9-61. Default—delivered to a Federal institution for use as animal feed.

27532. Peanut butter. (F.D.C. No. 46170. S. Nos. 90-874/5 R, 90-953 R.)

QUANTITY: 86 cases, 12 jars each, at Forrest City, Ark.

SHIPPED: 5-8-61 and 6-7-61, from Nashville, Tenn., by U.S. Peanut Co.

LABEL IN PART: (Jar) "Big Chief Brand Homogenized Peanut Butter * * * Net Weight 12 ozs. [or "1 lb. 2 ozs." or "2 lbs."] Packed by U.S. Peanut Company, Nashville, Tennessee."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-8-61, E. Dist. Ark.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 9-18-61. Consent—claimed by American Tea & Coffee Co., Nashville, Tenn.; repacked and relabeled.

27533. Peanut butter. (F.D.C. No. 46101. S. No. 80-609 R.)

QUANTITY: 200 cases, 24 jars each, at Readville, Mass.

SHIPPED: 1-27-61, from Detroit, Mich., by Velvet Peanut Products.

LABEL IN PART: (Jar lid) "Net Wt. 10 Oz. Homogenized Stop & Shop * * * Peanut Butter Packed For Stop & Shop Boston, Mass."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 7-24-61, Dist. Mass.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 9-25-61. Consent—claimed by Velvet Peanuts Products Div., Sunshine Biscuits, Inc., and released under bond to be brought into compliance with the law.

27534. Toasted pumpkin seeds. (F.D.C. No. 46269. S. No. 65-020 R.)

QUANTITY: 19 cases, 24 4-oz. jars each, at Baltimore, Md.

SHIPPED: 7-5-61, from Atlanta, Ga., by Filler Products, Inc.

LABEL IN PART: (Jar) "Filler's Taste Thrillers Ready-To-Eat Pepitas Pumpkin Seeds * * * Mfg. by Filler Products, Inc., Atlanta, Ga."

LIBELED: 8-21-61, Dist. Md.

CHARGE: 403(f)—when shipped, the information required by 403 (e) and (i) (2) to appear on the label, namely, the name and address of manufacturer, packer, or distributor, the quantity of contents, and the ingredient statements, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use; and 403(k)—the article contained a chemical preservative and failed to bear labeling stating that fact.

DISPOSITION: 9-15-61. Default—destruction.

OILS AND FATS

27535. Olive oil. (F.D.C. No. 45860. S. Nos. 97-020 R, 97-581 R.)

QUANTITY: 89 cases, 12 cans each, and 16 cases, 6 cans each, at Buffalo, N.Y., in possession of J. & J. Limeri Co., Inc.

SHIPPED: Prior to 11-19-60, from Spain.

LABEL IN PART: (Can) "Net Contents One Quart Villa Bella Brand 100% Pure Imported Olive Oil Linda Food Products Co., Buffalo, N.Y." and "Contents One Gallon Net 100% Pure Imported Olive Oil Distributed by La Tosca Food Products Co., Buffalo, N.Y."

RESULTS OF INVESTIGATION: Examination showed that the article was short in volume. The article was repacked by the dealer from bulk drums which had been shipped as described above.

LIBELED: 7-6-61, W. Dist. N.Y.

CHARGE: 403(e) (2)—while held for sale, the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: J. & J. Limeri Co., Inc., claimant, filed a motion for dismissal of the libel and on 9-11-61, the court handed down the following decision in denial of such motion:

HENDERSON, *District Judge*: "The intervenor has challenged the Government's libel on the ground that this court has no jurisdiction of the claimed offense where the alleged misbranding consisted of an inaccurate statement of the net weight of the product which was packaged after having been imported into the State of New York. The intervenor's motion to dismiss will be denied, in reliance upon *United States v. 40 Cases, etc.*, 289 F. 2d 343 (2d Cir. 1961). Libellant's application for a decree condemning the articles and granting costs of this proceeding will be granted.

"In accordance with Title 21, U.S. Code, Section 334(d), the intervenor will be permitted to repossess the articles indicated in the title of this action after compliance with that section. A bond, as required by the statute, will be sufficient if made in the amount of \$500.00.

"Submit decree upon consent as to form or upon five days' notice."

On 9-27-61, the claimant having consented, the court entered a decree of condemnation and ordered that the product be released under bond for repacking.

SPICES, FLAVORS, AND SEASONING MATERIALS

27536. Black pepper. (F.D.C. No. 46150. S. No. 94-827 R.)

QUANTITY: 16 cases, 24 cans each, at Royal Oak, Mich.

SHIPPED: 5-22-58, from Chicago, Ill., by La Salle Mfg. Co.

LABEL IN PART: (Can) "Florence Nightingale Net Wt. 4 Oz. Pure Ground Black Pepper La Salle Mfg. Co. Grinders, Importers, Packers, Chicago, Illinois."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-3-61, E. Dist. Mich.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 9-15-61. Default—destruction.

27537. Granulated garlic and granulated onion. (F.D.C. No. 46214. S. Nos. 5-631/2 R.)

QUANTITY: 18 cases, 12 1½-oz. jars each, of granulated garlic; and 26 cases, 12 1⅛-oz. jars each, of granulated onion, at Washington, D.C.

SHIPPED: Between 10-5-60 and 6-6-61, from Richmond, Va., by C. F. Sauer Co.

LABEL IN PART: (Jar) "Sauer's * * * Pures Granulated Garlic [or "Onion"] * * * Packed by the C. F. Sauer Co. Richmond, Va."

LIBELED: 8-1-61, Dist. Columbia.

CHARGE: 403(f)—when shipped, the quantity of contents statement was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 8-22-61. Default—delivered to a public institution.

27538. Oregano and garlic powder. (F.D.C. No. 45893. S. Nos. 82-982/3 R.)

QUANTITY: 35 cases, 24 jars each, of oregano; and 43 cases, 24 jars each, of garlic powder, at Brooklyn, N.Y., in possession of Safe Owl Products, Inc.

SHIPPED: 10-24-60 and 12-29-60, from Piraeus, Greece, and Glendale, Calif.

LABEL IN PART: (Jar) "Safe Owl * * * Imported Oregano 1 Oz. Net [or "Garlic Powder 3 Oz. Net"] Safe Owl Prod., Inc., Brooklyn, N.Y. Manufacturer."

RESULTS OF INVESTIGATION: The articles were shipped in bulk as described above and repacked by the dealer. Examination showed that the articles were short weight.

LIBELED: 5-22-61, E. Dist. N.Y.

CHARGE: 403(e)(2)—while held for sale, the articles failed to bear labels containing an accurate statement of the quantity of the contents.

DISPOSITION: 6-27-61. Consent—claimed by Safe Owl Products, Inc., and repacked.

27539. Hollandaise sauce. (F.D.C. No. 46124. S. No. 72-633 R.)

QUANTITY: 1 case of 24 6-oz. btls. at Los Angeles, Calif.

SHIPPED: 5-8-61 and 5-11-61, from College Point, N.Y., by Hayden's Hollandaise, Inc.

LABEL IN PART: (Btl.) "Hayden's Hollandaise * * * Hayden's Hollandaise, Inc., College Point, N.Y."

LIBELED: 7-14-61, S. Dist. Calif.

CHARGE: 402(a)(1)—when shipped, the article contained *Salmonella typhimurium*, a deleterious substance which may render it injurious to health.

DISPOSITION: 8-11-61. Default—destruction.

27540. Hollandaise sauce. (F.D.C. No. 46085. S. No. 79-487 R.)

QUANTITY: 15 cases, 48 6-oz. jars each, at Washington, D.C.

SHIPPED: Between 4-25-61 and 5-31-61, from College Point, N.Y., by Hayden's Hollandaise, Inc.

LABEL IN PART: (Jar) "Hayden's Hollandaise Sauce * * * Hayden's Hollandaise, Inc., 132-15 14th Ave., College Point, N.Y."

LIBELED: 7-14-61, Dist. Columbia.

CHARGE: 402(a)(1)—when shipped, the article contained *Salmonella typhimurium*, a deleterious substance which may render it injurious to health.

DISPOSITION: 8-14-61. Default—destruction.

27541. Hollandaise sauce. (F.D.C. No. 46123. S. No. 77-662 R.)

QUANTITY: 25 cases, 24 6-oz. btls. each, at San Francisco, Calif.

SHIPPED: 4-28-61, from College Point, N.Y., by Hayden's Hollandaise, Inc.

LABEL IN PART: (Btl.) "Hayden's Hollandaise Sauce * * * Hayden's Hollandaise, Inc., 132-15 14th Ave. College Point, N.Y."

LIBELED: 7-13-61, N. Dist. Calif.

CHARGE: 402(a)(1)—when shipped, the article contained *Salmonella typhimurium*, a deleterious substance which may render it injurious to health.

DISPOSITION: 8-18-61. Default—destruction.

27542. Hollandaise sauce. (F.D.C. No. 46126. S. No. 66-866 R.)

QUANTITY: 50 6-oz. jars at Houston, Tex.

SHIPPED: 5-20-61, from College Point, N.Y., by Hayden's Hollandaise, Inc.

LABEL IN PART: (Jar) "Hayden's Hollandaise Sauce * * * Hayden's Hollandaise, Inc., 132-15 14th Ave. College Point, N.Y."

LIBELED: 7-15-61, S. Dist. Tex.

CHARGE: 402(a)(1)—when shipped, the article contained *Salmonella typhimurium*, a deleterious substance which may render it injurious to health.

DISPOSITION: 9-5-61. Default—destruction.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

27543. Decavitamin tablets. (F.D.C. No. 45447. S. No. 27-110 R.)

QUANTITY: 25 cases, 24 1,000-tablet btls. each, at Wilmington, Calif.

SHIPPED: 12-21-60, from Oak Park, Mich.

LABEL IN PART: (Btl.) "Stock No. 1161625 Decavitamin, USP Ingredients in each tablet: * * * Vitamin B-12 2 mcgs."

RESULTS OF INVESTIGATION: Examination showed that the article contained approximately 50 percent of the declared amount of vitamin B₁₂.

LIBELED: 3-6-61, S. Dist. Calif.

CHARGE: 402(b)(1)—while held for sale, the valuable constituent, vitamin B₁₂, had been in part omitted or abstracted from the article; and 403(a)—the label statement "Vitamin B₁₂ 2 mcgs." was false and misleading.

DISPOSITION: 4-28-61. Consent—claimed by Freshman Vitamin Co., Oak Park, Mich.; reground, assayed, and repacked.

27544. Elixir Hemorex. (F.D.C. No. 45904. S. No. 66-191 R.)

QUANTITY: 10 1-gal. btls., 200 1-pt. btls., 10 8-oz. btls., and 43 3-oz. btls., at St. Louis, Mo., in possession of C. S. Ruckstuhl Co., Inc.

SHIPPED: 5-27-60, from Philadelphia, Pa.

LABEL IN PART: (Btl.) "Elixir Hemorex Ruckstuhl Each 5 cc. contains: * * * Folic Acid 1.0 mg. * * * Dosage: Adults, 1 to 2 teaspoonsful 3 times daily * * * Distributors C. S. Ruckstuhl Co., Inc., St. Louis, Mo."

RESULTS OF INVESTIGATION: The article in the 3-oz. and 8-oz. bottles was repacked by the dealer from bulk stock shipped as described above.

LIBELED: 5-24-61, E. Dist. Mo.

CHARGE: 402(a)(2)(C)—while held for sale, the article contained a food additive, namely, folic acid, which is unsafe within the meaning of 409, since it and its use or intended use were not in conformity with a regulation or exemption in effect pursuant to 409.

DISPOSITION: 6-21-61. Consent—claimed by C. S. Ruckstuhl Co., Inc., and relabeled.

27545. Fe-B-Plex with Liver tablets and Liver-B-Plex tablets. (F.D.C. No. 45899. S. Nos. 62-715/6R.)

QUANTITY: 55 1,000-tablet btls. of Fe-B-Plex, and 39 1,000-tablet btls. of Liver-B-Plex, at Columbus, Ohio.

SHIPPED: During March or April 1953, and 1-31-55, from Philadelphia, Pa., by Richlyn Laboratories.

LABEL IN PART: (Btl.) "List No. 2087 Fe-B-Plex with Liver * * * Control No. 7488 Distributed by Columbus Hospital Supply Company, Columbus 15 * * * Each Tablet Represents * * * Vitamin B₁ (Thiamine HCl) 1.5 mg. * * * Vitamin C (Ascorbic Acid) 20.0 mg. * * * Caution: Federal Law prohibits dispensing without prescription" and "List No. 2091 Liver-B-Plex * * * Control 9433 Distributed by Columbus Hospital Supply Company, Columbus 15, Ohio Each Tablet Represents: Vitamin B₁ (Thiamine HCl) 2.0 mg. * * * Vitamin C 20.0 mg. * * * Caution: Federal Law prohibits dispensing without a prescription."

RESULTS OF INVESTIGATION: Examination showed that the Liver-B-Plex contained approximately 15 percent of the declared amount of vitamin B₁ and approximately 25 percent of the declared amount of vitamin C.

LIBELED: On or about 5-26-61, S. Dist. Ohio.

CHARGE: Liver-B-Plex, 402(b)(1)—while held for sale, the valuable constituents, vitamin B₁ and vitamin C, had been in part omitted or abstracted from the article; 403(a)—the label statement "Each Tablet Represents: Vitamin B₁ (Thiamine HCl) 2.0 mg. * * * Vitamin C 20.0 mg." was false and misleading; and (both lots) 403(a)—when shipped, the label statement "Caution: Federal Law prohibits dispensing without a prescription" was false and misleading since it was contrary to fact.

DISPOSITION: 7-5-61. Default—destruction.

27546. Natacal tablets. (F.D.C. No. 45608. S. No. 51-813 R.)

QUANTITY: 57 cases, 12 100-tablet labeled btls. each, 1 case of 7 100-tablet labeled btls., and 5 cases, 12 100-tablet unlabeled btls. each, at Salt Lake City, Utah.

SHIPPED: 2-1-61, from Culver City, Calif., by Diketan Laboratories, Inc.

LABEL IN PART: (Labeled btls. and cases of unlabeled btls.) "Natacal * * * Howell Pharmacal Co. Salt Lake City, Utah, Distr. Each tablet contains * * * Folic Acid .25 mg. * * * Dosage: as a dietary supplement 1-3 tablets daily. For use during pregnancy and lactation 1-2 tablets three times daily."

LIBELED: 4-5-61, Dist. Utah.

CHARGE: 402(a)(2)(C)—when shipped and while held for sale, the article contained a food additive, namely, folic acid, which is unsafe within the meaning of 409.

DISPOSITION: 5-29-61. Consent—claimed by Howell Pharmacal Co., and relabeled.

27547. Hi-Proteen, Super Hi-Proteen, Hi-Proteen Reducing Aids, Multi-Purpose Hi-Proteen, Gain Weight Hi-Proteen, Hi-Proteen Cookies. (F.D.C. No. 44840. S. Nos. 22-925 R, 22-927 R, 23-743/8 R.)

QUANTITY: 6 ctns. and 2 cases, each containing 12 1-lb. ctns., of Hi-Proteen; 6 cases, 12 1,000-tablet ctns. each, of Hi-Proteen Reducing Aids; 10 cases, 12 1-lb. ctns. each, of Multi-Purpose Hi-Proteen; 6 cases, 12 400-tablet ctns. each, 24 1,000-tablet ctns., and 17 cases, 12 1-lb. ctns. each, of Super Hi-Proteen; 2 cases, 12 400-tablet ctns. each, of Gain Weight Hi-Proteen; and 5 cases, 24 8-oz. ctns. each, of Hi-Proteen Cookies, at Tulsa, Okla.

SHIPPED: 4-25-60 and 6-16-60, from York, Pa., by York Barbell Co., Robert C. Hoffman, president.

LABEL IN PART: (Ctn.) "Hoffman's Hi-Proteen Completely New Instant A * * * Health, Energy and Body Building Food * * * One Lb. Net Weight Manufactured by York Barbell Co., York, Pa.," "Hoffman's Hi-Proteen Reducing Aids A New Method of Reducing and Weight Control * * * which has the proper combination of Class A protein, carbohydrates, natural minerals, vitamins and other essential ingredients. * * * Made by Bob Hoffman—York Barbell Co., York Pennsylvania Contents: 1,000 Tablets," "Hoffman's Multi-Purpose Hi-Proteen * * * 1 Pound Net Weight Made by Bob Hoffman—York Barbell Co. York, Pennsylvania," "Hoffman's Super-Hi-Proteen * * * a highly therapeutic agent to be used where more energy and a high degree of protein food quality is desired * * * made by Bob Hoffman—York Barbell Co., York, Pennsylvania," "Hoffman's Gain Weight Hi-Proteen Famous Strength and Muscle Building Tablets made by Bob Hoffman—York Barbell Co., York, Pennsylvania," "Hoffman's Hi-Proteen Cookies * * * contain 5 times as much protein as the incomplete protein contained in the usual cookie * * * made with Hoffman's Hi-Proteen instead of flour, 92.6% of complete protein * * * made for Bob Hoffman, York Barbell Company, York, Pa.," and "Hoffman's Super Hi-Proteen Ingredients More Than 90% Protein * * * made by Bob Hoffman—York Barbell Co., York, Pennsylvania."

RESULTS OF INVESTIGATION: Examination showed that the Super Hi-Proteen contained 68 percent of the declared amount of protein.

LIBELED: 8-10-60, N. Dist. Okla.

CHARGE: Super Hi-Proteen, 402(b)(1)—when shipped, the valuable constituent, protein, had been in part omitted or abstracted from the article; 403(a)—the label statement "Protein* .648 gm. per Tablet * * * Anhydrous" was false and misleading as applied to a product containing less than the declared amount of protein; 403(a)—the label of the article contained false and misleading representations that the article was extraordinarily high in pure protein, that the article would act as a catalyst in the digestion of other proteins, that it contained proteins most like that of the human body, that most physical ailments were the result of a long-time protein deficiency, that the article was adequate and effective to provide health, energy, rich, red blood, healthy tissue, strength and muscles, and that it was adequate and effective to produce a strong athletic physique and to gain weight; and 403(a)—

the label of the article contained statements and designs which represented and suggested that the American diet had little complete protein, the label contained the statements "serves as a catalyst in the digestion of other proteins," "You need predigested, easily assimilated proteins," "Most physical ailments are the result of a long-time protein deficiency," and the label also contained pictures of an athlete and label statements which represented and suggested that the article would build strong muscles and an athletic physique, better bodies, healthy tissue, and rich, red blood, prevent scrawny necks and sunken, sagging, wrinkling faces, and that the article would supply unusual amounts of protein for strength, energy, and body weight for growing children, and for endurance, to overcome fatigue, and for superior health and long, happy life in older people, which statements and designs were false and misleading since they were contrary to fact and the article was not capable of fulfilling the promises of benefit made for it.

Hi-Proteen, 403(a)—when shipped, the label of the article contained statements and designs which represented and suggested that the article was extraordinarily high in protein, was adequate and effective to produce health and unusual quantities of energy, was a restorative to overcome physical and mental fatigue, to live long, happily, and successfully, for relaxing and for sound, restful sleep, that the article was a nerve, muscle and tissue builder, and was a concentrate for providing endurance and the feeling of being refreshed in mind and body, and the label contained pictures of athletes and label statements which represented and suggested that the article would build strong muscles and an athletic physique, which statements and designs were false and misleading since they were contrary to fact and the article was not capable of fulfilling the promises of benefit made for it; and 403(j)—the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content and its use in the control of body weight, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirement for vitamin A, vitamin B₁, vitamin B₂, vitamin C, vitamin D, and niacin or niacinamide, and the minerals calcium, phosphorus, iron and iodine, supplied by the article when consumed in a specified quantity during the period of one day, and a statement of the percent by weight of protein, fat, and available carbohydrates in the article.

Hi-Proteen Reducing Aids, 403(a)—when shipped, the label of the article contained false and misleading representations that the article was extraordinarily high in protein while low in calories, that it was a concentrated, complete, and well-balanced food, that the consumer could live healthfully on the article alone for a month, that the article was an appetite depressant, and that it was adequate and effective for reducing and weight control.

Multi-Purpose Hi-Proteen, 403(a)—when shipped, the label of the article contained statements and designs which represented and suggested that the article was extraordinarily high in protein, was adequate and effective to produce health and unusual quantities of energy, that the article acted as a catalyst in the utilization of incomplete proteins, that it contained proteins most like that of the human body, supplied babies and children with the material they need for energy and growth, was a well-balanced energy-producing and body-building food, that it would preserve one's youth and add happy, useful years to one's life, and the label contained pictures of athletes and label statements which represented and suggested that the article would build strong muscles and an athletic physique, which statements and designs were

false and misleading since they were contrary to fact and the article was not capable of fulfilling the promises of benefit made for it: and 403(j)—the article purported to be and was represented as a food for special dietary use by reason of its vitamin and mineral content and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirement for vitamin A, vitamin B₁, vitamin B₂, vitamin C, vitamin D, and niacin or niacinamide, and the minerals calcium, phosphorus, iron and iodine supplied by the article when consumed in a specified quantity during the period of one day.

Gain Weight Hi-Proteen, 403(a)—when shipped, the label of the article contained statements which represented and suggested that the article was adequate and effective as a nerve, muscle, and tissue builder, for strength, and to develop a strong physique of an athletic champion, that use of the article would result in gaining weight and rapid growth, that it was extraordinarily high in protein, and its label also contained the statements "Every drop of blood, the organs, glands and their products are made of protein," "A person of average size and activity should have 100 grams of protein daily to gain weight," "Hi-Proteen closely parallels human muscle in Amino acid composition," and "The usual diet is deficient in complete protein," which statements were false and misleading since they were contrary to fact and the article was not capable of fulfilling the promises of benefit made for it; and 403(j)—the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirement for vitamin A, vitamin B₁, vitamin B₂, vitamin C, vitamin D, and niacin or niacinamide, and the minerals calcium, phosphorus, iron and iodine supplied by the article when consumed in a specified quantity during the period of one day.

Hi-Proteen Cookies, 403(a)—when shipped, the label of the article contained statements and designs which represented and suggested that the article was extraordinarily high in protein while being low in calories, and that the American diet is low in protein, its label contained the statement "You can eat as many Hi-Proteen cookies as you wish * * * in low calory form," "The Food and Nutrition Board, of the National Research Council, states that 65 grams of protein should be the absolute minimum for people of average size and activity," and "With a Hi-Proteen milk drink, made as recommended, you will have approximately 30 grams of protein," and the label also contained a picture of an athlete and statements which represented and suggested that the article would build strong muscles and an athletic physique, rich blood, melt away fat deposits, normalize the body, and that the article was adequate and effective for reducing and for underweight conditions, which statements and designs were false and misleading since they were contrary to fact and the article was not capable of fulfilling the promises of benefit made for it; and 403(j)—the article purported to be and was represented as a food for special dietary uses by reason of its use in the control of body weight, and its label failed to bear, as required by the regulations, a statement of the percent by weight of fat and available carbohydrates in the article.

DISPOSITION: On 12-27-60, the York Barbell Co., Inc., claimant, having consented, the court entered a decree of condemnation and destruction against the Super Hi-Proteen. As to the other articles involved and pursuant to claimant's motion, the court on 12-27-60, ordered that the case be removed for trial to the United States District Court for the District of New Jersey.

Thereafter, it was learned that such other articles had been unintentionally in good faith, and accidentally sold or otherwise disposed of and their whereabouts were unknown. Accordingly an order was filed on 4-27-61, dismissing without prejudice the libel as to such other articles.

27548. Vitamin-mineral capsules. (F.D.C. No. 45122. S. No. 16-784 R.)

QUANTITY: 51 100-capsule btls. and 107 30-capsule btls. at Indianapolis, Ind., in possession of Nacor Medicine Co.

SHIPPED: Between 5-27-60 and 7-28-60, from Newark, N.J., to Lafayette, Ind., and from there to Indianapolis, Ind.

LABEL IN PART: (Btl.) "Nacor-Vite A High Potency Vitamin with Minerals vitamins A, B₁, B₂, B₆, C and D Plus the Red Vitamin B₁₂ and Minerals * * * Distributed by The Nacor Medicine Company, Indianapolis, Ind."

ACCOMPANYING LABELING: Circulars entitled "Can You Banish Those 'Weary Blues' caused by a Nutritional Deficiency?"

RESULTS OF INVESTIGATION: The capsules of the article were shipped in bulk to Lafayette, Ind., as described above, and after arrival there, were repacked and labeled by the Lafayette Pharmacal, Inc., with labels furnished by the Nacor Medicine Co., and then shipped to Indianapolis, Ind. The above-mentioned circulars were printed locally on order of Nacor Medicine Co.

LIBELED: 12-20-60, S. Dist. Ind.

CHARGE: 403(a)—while held for sale, the label of the article contained false and misleading representations that the nutritional requirements for people over age 35 are different from adults generally, that it is impossible to obtain needed nutrients from foods normally consumed and generally available, and that the need in human nutrition for all 20 ingredients of the article had been proven and established; and 403(j)—the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirements for vitamins A, B₁, B₂, niacinamide, C and D, and the minerals calcium, phosphorus, and iron supplied by the article when consumed in a specified quantity during the period of one day, and its label also failed to bear the statement "The need for calcium pantothenate, choline bitartrate, and inositol in human nutrition has not been established."

The article was alleged also to be misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices.

DISPOSITION: 2-13-61. Default—destruction.

MISCELLANEOUS FOODS

27549. Frozen turkey dinners. (F.D.C. No. 46142. S. Nos. 8-399/400 R.)

QUANTITY: 2,185 cases, 12 11-oz. pkgs. each, at Pittsburgh, Pa.

SHIPPED: 6-15-61, from Quigley and Manard Peace Bridge, Buffalo, N.Y., by Quaker State Frozen Turkey Dinners.

LABEL IN PART: (Pkg.) "Quaker State Frozen Turkey Dinner * * * Prepared and Packaged by Quaker State Foods Corp., Pittsburgh, Pa."

LIBELED: 8-1-61, W. Dist. Pa.

CHARGE: 402(a)(3)—contained large numbers of micro-organisms including *E. coli* when shipped.

DISPOSITION: 8-23-61. Default—destruction.

27550. Liquid suckers for freezing. (F.D.C. No. 45870. S. No. 85-060 R.)

QUANTITY: 31 cases of 24 ctns., each ctn. containing 6 plastic bags, at Little Rock, Ark.

SHIPPED: 3-30-61, from Chicago, Ill., by Pop-Ice Co.

LABEL IN PART: (Case) "Assorted Flavors Pop-Ice * * * Pop-Ice Company, Chicago, Illinois"; (ctn.) "Pop-Ice No sticks no mess place bags in freezer compartment * * * Pop-Ice Company, 141 W. Jackson Blvd., Chicago 4, Ill. 6 bars Net Wt. 1½-oz. each"; and (bag) "Pop-Ice Company T.M. Chicago, Illinois * * * Net Wt. 1½ oz."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 7-13-61, E. Dist. Ark.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 8-4-61. Default—delivered to a charitable institution.

INDEX TO NOTICES OF JUDGMENT F.N.J. NOS. 27451-27550

PRODUCTS

	N.J. No.		N.J. No.
Anchovies	27495	Eggs, frozen	27493
Apple juice	27505, 27506	Elixir Hemorex	27544
Bakery products	27451-27454	Fats. See Oils and fats.	
Beans, cocoa	27473	Fe-B-Plex with Liver tablets	27545
green, canned, cut	27509	Feeds and grains	27494
mung	27513	Figs, preserved	27507
pinto, dried	27516	Fish and shellfish	27495-27503
and pork	27517	Flavors. See Spices, flavors, and	
white, dried	27515	seasoning materials.	
Buns, honey, frozen	27453	Fruits and vegetables	27504-27523
Butter	27488	fruit, canned	27504
peanut	27531-27533	miscellaneous fruit products	27505-27507
Cake decorators, candy	27474	preserves	27508
mix	27470	tomatoes	27523
Candy. See Confectionery.		vegetables and vegetable prod-	
Cat food, canned	27494	ucts	27509-27522
Cereals and cereal products	27451-27471	Gain Weight Hi-Proteen	27547
Cheese sticks	27451	Garbanzos, dried	27516
swiss	27489	Garlic, granulated	27537
Cherries, maraschino	27504	powder	27538
Chocolate-flavored sirup	27472	Hi-Proteen	27547
Cocoa beans	27473	Cookies	27547
Crabmeat, canned	27498	Reducing Aids	27547
lump	27499	Hollandaise sauce	27539-27542
Crabs, hard shell, frozen	27497	Honey	27484
Dairy products	27488-27492	Kidney beans, canned	27514
Decavitamin tablets	27543		

	N.J. No.		N.J. No.
Liver-B-Plex tablets	27545	Rice	27462
Maraschino cherries	27504	puffed	27457-27460
Melon, Zucca	27522	Salt sticks	27451
Milk, evaporated	27490	Sesame chips	27452
nonfat, dry	27491, 27492	Shellfish. <i>See</i> Fish and shellfish.	
Milo maize	27471	Shrimp cocktail	27500
Mints, candy	27475	frozen	27501, 27502
Wolch's butter	27477	paté, smoked	27503
Mix, cake	27470	Sirup	27480, 27481
onion soup	27520	chocolate-flavored	27472
peanut brittle	27478	Sorghum, sirup	27482, 27483
Multi-Purpose Hi-Proteen	27547	Spices, flavors, and seasoning	
Mung beans	27513	materials	27536-27542
Mushrooms, canned	27511	Strawberry preserves	27508
cocktail	27512	Suckers, candy	27476
Natacal tablets	27546	liquid, for freezing	27550
Nuts and nut products	27524-27534	Sugar	27485-27487
Olive(s)	27519	Super Hi-Proteen	27547
oil	¹ 27535	Swiss cheese	27489
Onion, granulated	27537	Tomatoes, canned	27523
soup mix	27520	Tootsie Rolls	27479
Oregano	27538	Turkey dinners, frozen	27549
Peanut brittle mix	27478	Vegetables. <i>See</i> Fruits and vegetables.	
butter	27531-27533	Vitamin, mineral, and other products of special dietary significance	27543-27548
Peas, canned	27510	Walnuts, shelled	27528, 27529
Pecans, shelled	27524-27527	in sirup	27530
Pepper, black	27536	Wheat	27463-27469
Pickles, canned, sour	27521	puffed	27455-27460
Pinto beans, dried	27516	Whiting, frozen	27496
Popcorn, unpopped	27461	Zucca melon	27522
Pork and beans	27517		
Potato Chipples	27518		
Pretzels	27454		
Pumpkin seeds, toasted	27534		

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N.J. No.		N.J. No.
Alaga Syrup Co.:		Beaver Home Products Co., Inc.:	
sirup	27481	candy cake decorators	27474
Albers Milling Co., Div. of Carnation Co.:		Best Foods, Div. of Corn Products Co.:	
canned cat food	27494	chocolate-flavored sirup	27472
Allen Canning Co.:		Blue Ribbon Foods, Inc.:	
canned peas	27511	onion soup mix	27521
Alliance Foods, Inc.:		Boats. <i>See</i> Eagle.	
canned sour pickles	27522	Bradshaw, R. C.:	
Anderson, Jack:		canned crabmeat	27498
sorghum sirup	27482	Bull-Insular Line, Inc.:	
Anheuser-Busch, Inc.:		sugar	27486, 27487
sirup	27480		

¹ (27535) Seizure contested. Contains decision of the court.

	N.J. No.		N.J. No.
Bush Terminal:		wheat -----	27465
canned evaporated milk-----	27490	Filler Products, Inc.:	
Butter Kernel Products:		toasted pumpkin seeds-----	27534
canned kidney beans-----	27515	Food Products, Div. of Pet Milk	
California Zucca Melon Products:		Co.:	
Zucca melon-----	27523	apple juice-----	27506
Carnation Co. <i>See</i> Albers Mill-		Fresh Pak Candy Co.:	
ing Co.		peanut brittle mix-----	27478
Choice Products Co., Inc.:		Gallatin County Popcorn Co.:	
peanut butter-----	27531	unpopped popcorn-----	27461
Cohen, Rabbi Jacob:		Green County Cheese Co. <i>See</i>	
onion soup mix-----	27521	Swiss Colony.	
Colony Foods:		Guadalupe Valley Pecan Co.:	
canned sour pickles-----	27522	shelled pecans-----	27524
Columbus Elevator:		Havana Crabmeat Plant, Inc.:	
wheat -----	27468	lump crabmeat-----	27499
Columbus Hospital Supply Co.:		Hayden's Hollandaise, Inc.:	
Fe-B-Plex with Liver tablets		hollandaise sauce-----	27539-27542
and Liver-B-Plex tablets----	27545	Hoffman, R. C.:	
Consolidated Foods Corp.:		Hi-Proteen, Super Hi-Proteen,	
honey -----	27484	Hi-Proteen Reducing Aids,	
Continental Baking Co. <i>See</i>		Multi-Purpose Hi-Proteen,	
Morton Frozen Foods.		Gain Weight Hi-Proteen,	
Corn Products Co. <i>See</i> Best		Hi-Proteen Cookies-----	27547
Foods.		Honey Moon Products Co.:	
De Kalb Agricultural Associa-		honey -----	27484
tion, Inc.:		Howell Pharmacal Co.:	
milo maize-----	27471	Natacal tablets-----	27546
Diamond Walnut Growers, Inc.:		Johnson, H. A., Co.:	
shelled walnuts-----	27529	walnuts in sirup-----	27530
Diketan Laboratories, Inc.:		K & R Foods:	
Natacal tablets-----	27546	dried garbanzos and dried pinto	
Donig Co., Inc.:		beans -----	27517
shelled walnuts-----	27528	Kane-Miller Corp.:	
Donig, Martin, Nut Co.:		canned sour pickles-----	27522
shelled walnuts-----	27528	Kelso Warehouse, Inc.:	
Donlen's Farm Kitchens:		nonfat dry milk-----	27491
cheese sticks and salt sticks---	27451	Kern Foods, Inc.:	
Donlen's Kitchens:		Wolch's butter mints-----	27477
cheese sticks and salt sticks---	27451	Kimbell Food Products Co.:	
Eagle (boat):		pork and beans-----	27518
frozen whiting-----	27496	LA. Nuthouse:	
Egg Corp. of America:		peanut butter-----	27531
frozen eggs-----	27493	La Salle Mfg. Co.:	
Ellis Pecan Co., Inc.:		black pepper-----	27536
shelled pecans-----	27527	La Tosca Food Products Co.:	
Fairway Foods, Inc.:		olive oil----- ¹	27535
nonfat dry milk-----	27492	Light Grain & Milling Co.:	
Farmers Equity Union Elevator		wheat -----	27467
Co.:			

¹ (27535) Seizure contested. Contains decision of the court.

	N.J. No.		N.J. No.
Limeri, J. & J. Co., Inc.:		Quaker Oats Co.:	
olive oil----- ¹	27535	puffed wheat-----	27455, 27456
Linda Food Products Co.:		puffed rice and puffed wheat--	27457-27460
olive oil----- ¹	27535		
Louisiana Rice Growers, Inc.:		Quaker State Foods Corp.:	
rice -----	27462	frozen turkey dinners-----	27549
Lusk Candy Co.:		Realemon-Puritan Co.:	
peanut brittle mix-----	27478	maraschino cherries-----	27504
Majic Brand Products Co.:		Red Owl Stores, Inc.:	
shelled pecans-----	27527	Potato Chipples-----	27519
Mario's Food Products Co.:		Redstone Grain Co.:	
olives -----	27520	wheat -----	27463, 27464
Mark, Paul, Inc.:		Richlyn Laboratories:	
strawberry preserves-----	27508	Fe-B-Plex with Liver tablets	
Michigan Milk Producers Asso-		and Liver-B-Plex tablets----	27545
ciation:		Rosen, E., Co.:	
nonfat dry milk-----	27492	candy suckers-----	27476
Midland Elevator, Inc.:		Ruckstuhl, C. S., Co., Inc.:	
wheat -----	27469	Elixir Hemorex-----	27544
Midwest Pretzel, Inc.:		Safe Owl Products, Inc.:	
pretzels -----	27454	oregano and garlic powder----	27538
Minnesota Consolidated Canner-		Sanfilippo, John B., & Son, Inc.:	
ies, Inc.:		shelled pecans-----	27526
canned kidney beans-----	27515	Sauer, C. F., Co.:	
Morgan & Son's Canning Co.:		granulated garlic and granu-	
canned cut green beans-----	27510	lated onion-----	27537
Morton Frozen Foods, Div. of		Scott's Potato Chip Co.:	
Continental Baking Co.:		Potato Chipples-----	27519
frozen honey buns-----	27453	Sesa-Kraft, Inc.:	
Murray Co.:		sesame chips-----	27452
walnuts in sirup-----	27530	Soll-Madden Salvage Co.:	
Nacor Medicine Co.:		cake mix-----	27470
vitamin-mineral capsules----	27548	Speas Co.:	
New England Confectionery Co.:		apple juice-----	27505
candy mints -----	27475	Stop & Shop, Inc.:	
Ocean Gardens Products, Inc.:		peanut butter-----	27533
frozen shrimp-----	27502	Sunshine Pecan Co.:	
Olympia Mushroom Farms, Inc.:		shelled pecans-----	27525
canned mushrooms-----	27512	Sweets Co. of America, Inc.:	
Pet Milk Co. See Pet-Ritz		Tootsie Rolls-----	27479
Foods; also Food Products.		Swiss Colony:	
Pet-Ritz Foods, Div. of Pet Milk		swiss cheese-----	27489
Co.:		Tastee Cocktails, Inc.:	
apple juice-----	27506	shrimp cocktail-----	27500
Pinesbridge Farm, Inc.:		Tome, Limitada:	
smoked shrimp paté-----	27503	anchovies -----	27495
Pop-Ice Co.:		Travis Pecan Co.:	
liquid suckers for freezing----	27550	shelled pecans-----	27525
Potts Wilson Co.:		Tyrrell & Garth, Inc.:	
dried white beans-----	27516	preserved figs-----	27507

¹ (27535) Seizure contested. Contains decision of the court.

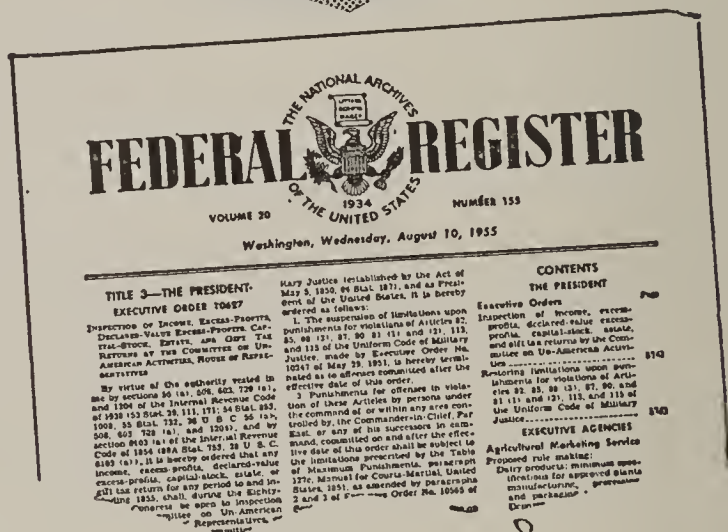
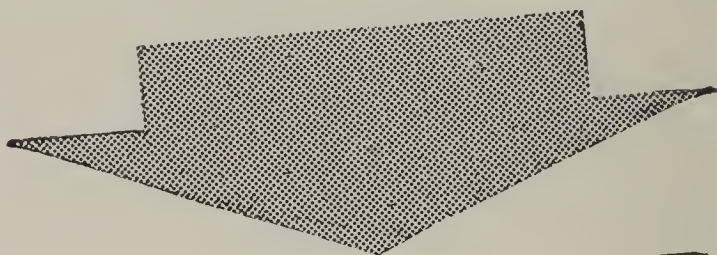
	N.J. No.		N.J. No.
U.S. Peanut Co.:		Wilbur-Ellis Co.:	
peanut butter-----	27532	frozen shrimp-----	27502
Velvet Peanut Products:		Wing Sing Chong Co., Inc.:	
peanut butter-----	27533	mung beans-----	27514
Vincenti, D., & Co.:		Wolch Nut & Candy Co.:	
cocktail mushrooms-----	27513	Wolch's butter mints-----	27477
Vines, C. E., Egg Co.:		York Barbell Co.:	
frozen eggs-----	27493	Hi-Proteen, Super Hi-Proteen,	
Washburn's:		Hi-Proteen Reducing Aids,	
dried white beans-----	27516	Multi-Purpose Hi-Proteen,	
Watson, C. S.:		Gain Weight Hi-Proteen, and	
sorghum sirup-----	27483	Hi-Proteen Cookies-----	27547
Western Warehouse Co.:			
wheat -----	27466		

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32N4

U.S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

27551-27600

FOODS

U.S. DEPT. OF AGRICULTURE
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The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered after default or consent, and (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal and injunction proceedings are against the *firms or individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., *March 8, 1962.*

CONTENTS

	Page		Page
Beverages and beverage materials	210	Eggs	220
Cereals and cereal products	212	Fish and shellfish	220
Bakery products	212	Fruits and vegetables	222
Flour	213	Canned fruit	222
Macaroni and noodle products	214	Vegetables and vegetable products	223
Miscellaneous cereals and cereal products	214	Vitamin, mineral, and other products of special dietary significance	224
Confectionery and honey	217		

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 27551-27600**

Adulteration, Section 402(a)(2)(B), the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a)(2)(C), the article contained a food additive which was unsafe within the meaning of Section 409; Section 402(a)(3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance, or it was otherwise unfit for food; Section 402(a)(4), the article had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth; Section 402(b)(1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 408(a), a poisonous or deleterious pesticide chemical, or a pesticide chemical which is not generally recognized among experts qualified by scientific training and experience to evaluate the safety of pesticide chemicals, as safe for use, had been added to a raw agricultural commodity; and no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare; and Section 409, a food additive was deemed to be unsafe because the food additive and its use or intended use failed to conform to the terms of an effective exemption, or because there was not in effect, or the food additive and its use or intended use failed to be in conformity with, a regulation prescribing conditions for safe use.

Misbranding, Section 403(a), the labeling of the article was false and misleading; Section 403(e)(2), the article was in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; Section 403(f), a word, statement, or other information required by or under authority of the Act to appear on the label or labeling was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; Section 403(g)(1), the article purported to be or was represented as a food for which a definition and standard of identity had been prescribed by regulations, and the article failed to conform to such definition and standard; Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as the Secretary has determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

BEVERAGES AND BEVERAGE MATERIALS

27551. Root beer and orange drink. (F.D.C. No. 45996. S. Nos. 22-480 R, 22-506 R, 22-694/5 R, 24-081/4 R.)

INFORMATION FILED: 7-28-61, W. Dist. Mo., against Charles E. Hires Co., Div. of Consolidated Foods Corp., Kansas City, Mo., and Albert Burriss, superintendent of the corporation's Kansas City plant.

SHIPPED: Between 5-13-60 and 9-13-60, from Missouri to Kansas.

LABEL IN PART: (Btl.) "Bottled by C. E. Hires Co. Hires"; "Bottled By C. E. Hires Co. Hires Root Beer Kansas City, Mo."; and "Nesbitt's of California."

CHARGE: 402(a)(3)—contained mold, yeast, insects, insect fragments, and rodent hairs; and 402(a)(4)—portions of the article had been prepared under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 8-11-61. The court dismissed the information against the corporation and fined the individual \$800, plus costs.

27552. Tea. (F.D.C. No. 46209. S. No. 5-869 R.)

QUANTITY: 40 cases, 48 pkgs. each, at Lumberton, N.C.

SHIPPED: 4-4-61, from Camden, N.J., by Levering Coffee Co.

LABEL IN PART: (Pkg.) "¼ Pound Net Wt. Vesper Tea * * * The Levering Coffee Co., Baltimore, Maryland."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-8-61, E. Dist. N.C.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 10-6-61. Default—delivered to a public institution.

27553. Instant tea. (F.D.C. No. 46195. S. No. 75-303 R.)

QUANTITY: 36 cases, 24 jars each, at East Point, Ga.

SHIPPED: 5-1-61, from New York, N.Y., by Tetley Tea Co., Inc.

LABEL IN PART: (Jar) "TETLEY * * * Instant Tea Net Wt. 1½ Oz. With Malto-Dextrin * * * Blended by—Tetley Tea Co., Inc. New York, N.Y. Made in U.S.A."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 7-26-61, N. Dist. Ga.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 10-23-61. Default—delivered to a public institution.

27554. Honeymalt. (F.D.C. No. 46104. S. Nos. 56-994 R, 56-998 R.)

QUANTITY: 996 cases, each containing 3 cartons of 6 cans each, at Brooklyn, N.Y.

SHIPPED: 11-22-60, from Philadelphia, Pa., by Honeymalt Co.

LABEL IN PART: (Can) "Try Honeymalt * * * a Non-Alcoholic Beverage Contents 12 Fluid Ozs. * * * Ingredients—Honey and Maltose * * * The Arb Co., Phila., Pa. Distributed Exclusively by Honeymalt Co. Ridgefield, N.J."

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing decomposition.

LIBELED: 7-25-61, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale; 403(a)—when shipped, the name "Honeymalt" and the label statement "The goodness of malt" suggested and implied that the article contained malt, which

name and statement were false and misleading since the article did not contain malt; 403(a)—the label of the article contained false and misleading representations that the article was adequate and effective to promote health, supply quick energy without sugar, and promote digestion with enzyme action, and that the honey and maltose of the article would supply all vitamins and minerals in significant amounts for special dietary use.

DISPOSITION: 8-29-61. Default—destruction.

27555. Carbonated beverage. (F.D.C. No. 45560. S. No. 66-253 R.)

INFORMATION FILED: 5-26-61, E. Dist. Mo., against American Soda Water Co., a corporation, St. Louis, Mo.

SHIPPED: 11-10-60, from Missouri to Illinois.

LABEL IN PART: (Btl.) "POP KOLA AMERICAN SODA WATER CO. ST. LOUIS, MO."

CHARGE: 402(a)(3)—contained insect fragments and mold; and 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 6-19-61. Fine of \$450, plus costs.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

27556. Bakery products. (F.D.C. No. 44322. S. Nos. 63-844 P, 63-846 P, 64-324 P, 64-341/2 P.)

INDICTMENT RETURNED: 6-16-61, Dist. Mass., against Chimes Brownie Co., Inc., Boston, Mass., and Edward A. Caracostas, president of the corporation.

SHIPPED: On 9-23-59 and 9-24-59, from Massachusetts to Rhode Island and New Hampshire.

LABEL IN PART: (Box) "Chimes SPICE CAKE 1½ OZ. OR OVER" and "1½ Ozs. Fudge Brownie Chimes."

CHARGE: 402(a)(3)—contained insects and insect parts; and 402(a)(4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 7-11-61. Corporation fined \$2,000; individual fined \$1,000.

27557. Bread. (F.D.C. No. 45682. S. Nos. 24-403/5 R.)

INFORMATION FILED: 6-30-61, W. Dist. Okla., against Joseph L. Denner, t/a Golden Krust Bakery, Alva, Okla.

SHIPPED: 12-14-60, from Oklahoma to Kansas.

LABEL IN PART: (Pkg.) "Golden-Krust Enriched Net Wt. 1¼ lbs. Big [or "Enriched Cottage Bread Net Weight 20 oz." or "Enriched Bread Soft Twisted Soft Net Wt. 16 ozs.]" Golden Krust Bakery Alva, Oklahoma."

CHARGE: 402(a)(3)—contained insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 7-19-61. \$1,500 fine.

FLOUR

27558. Flour and cornmeal. (F.D.C. No. 45566. S. Nos. 4-468/9 R, 4-789 R.)

INFORMATION FILED: 6-23-61, Dist. Md., against Charles E. Routzahn, t/a C. E. Routzahn, Breathedsville, Md.

SHIPPED: 9-29-60, from Maryland to Pennsylvania.

LABEL IN PART: (Bag) "MONT SARADA MILLS 2 LBS. NET HIGH LIFE ENRICHED HIGH LIFE FLOUR BLEACHED AND BLENDED C. E. ROUTZAHN BREATHEDSVILLE, MD. ENRICHED HIGH LIFE"; "5 LBS. NET Cream of the Lake Patent Flour BLEACHED MILLED FOR LAKEVIEW FLOURS 935 S. MAIN ST. CHAMBERSBURG, PA."; and "2 LBS. NET NEW KILN DRIED CORN MEAL MANUFACTURED FOR LAKEVIEW FLOURS 935 S. MAIN ST. CHAMBERSBURG, PA."

CHARGE: High Life Flour, 402(b)(1)—when shipped, the valuable constituents, thiamine, riboflavin, niacin, and iron had been in part omitted from the article; 403(a)—the label statement "Enriched * * * Flour" was false and misleading since the article did not consist of enriched flour; and 403(g)(1)—the article failed to conform to the definition and standard of identity for enriched flour, since each pound of the article contained less than 2.0 milligrams of thiamine, 1.2 milligrams riboflavin, 16.0 milligrams niacin, and 13.0 milligrams of iron.

Cream of the Lake Flour, 402(a)(3)—the article contained insect fragments and rodent hair fragments; and 402(a)(4)—the article had been prepared and packed under insanitary conditions.

Kiln Dried Cornmeal, 402(a)(3)—the article contained insects, insect fragments, rodent excreta, rodent hair fragments, and cat hair fragments; and 402(a)(4)—the article had been prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 8-11-61. \$500 fine.

27559. Flour. (F.D.C. No. 46162. S. No. 38-400 R.)

QUANTITY: 1,092 bales, 5 10-lb. bags each, at Camp Hill, Pa.

SHIPPED: 6-21-61, from Buffalo, N.Y.

LIBELED: 8-2-61, M. Dist, Pa.

CHARGE: 402(a)(2)(C)—while in interstate commerce, the article contained a food additive, namely, inorganic bromides, which is unsafe within the meaning of 409, since it and its intended use were not in conformity with an effective regulation or exemption.

DISPOSITION: 9-27-61. Default—destruction.

27560. Flour. (F.D.C. No. 46417. S. Nos. 75-970/1 R.)

QUANTITY: 93 25-lb. bags at Orlando, Fla.

SHIPPED: 4-28-61, from Chattanooga, Tenn.

LIBELED: 8-30-61, S. Dist. Fla.

CHARGE: 402(a)(3)—contained insects and insect larvae while held for sale.

DISPOSITION: 10-5-61. Default—destruction.

MACARONI AND NOODLE PRODUCTS

27561. Noodles and spaghetti. (F.D.C. No. 45257. S. Nos. 39-042 R, 39-572 R.)

INFORMATION FILED: 5-12-61, E. Dist. Mo., against the St. Louis Macaroni Mfg. Co., Inc., St. Louis, Mo., and Roy A. Garozzo, president.

SHIPPED: 9-21-60 and 9-22-60, from Missouri to Illinois.

LABEL IN PART: (Pkg.) "Net Wt. 12 Oz. PURE EGG NOODLES St. Louis Macaroni Mfg. Co., Inc. St. Louis, Mo." and (ctn.) "L. M. 420 20-LBS. NET ED RAY ELBOW SPAGHETTI."

CHARGE: 402(a)(3)—contained insects, insect fragments, and larvae; and 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 7-5-61. Corporation fined \$1,500; individual fined \$500, plus costs.

27562. Noodles. (F.D.C. No. 46409. S. Nos. 94-372/3 R, 94-587 R.)

QUANTITY: 24 cases, 12 bags each, at Detroit, Mich.

SHIPPED: 6-19-61, from Cleveland, Ohio, by Weiss Noodle Co.

LABEL IN PART: (Bag) "Grosse Pointe * * * Egg Noodles Distributed by Grosse Pointe Quality Food Co., Detroit, Mich. * * * Net Wt, 11 Ozs. ["10" hand marked with crayon over the printed "11"]."

RESULTS OF INVESTIGATION: Examination showed that the net weight declaration as hand marked over the original printed statement was difficult to read.

LIBELED: 8-25-61, E. Dist. Mich.

CHARGE: 403(a)—when shipped, the original net weight statement "11 Oz." was false and misleading since the article contained less than 11 ounces; and 403(f)—the information required by 403(e)(2) to appear on the label, namely, quantity of contents, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 10-6-61. Default—delivered to a public institution.

27563. Canned spaghetti. (F.D.C. No. 45544. S. Nos. 39-753 R, 40-185 R.)

INFORMATION FILED: 6-2-61, E. Dist. Ill., against Vevco Foods, Inc., Belleville, Ill., John P. Viviano, secretary, and Frank P. Viviano, treasurer.

SHIPPED: 11-1-60, from Illinois to Arkansas.

LABEL IN PART: (Can) "A L M A ALMA CANNING CO. Alma, Ark. Contents 15½ Oz. Avoir. SPAGHETTI In Tomato Sauce With Cheese" and "Net Weight 15½ Ozs. Avd. FOOD KING SPAGHETTI In Tomato Sauce With Cheese Owned Grocers Inc. Chicago, Ill. Distributors."

CHARGE: 402(a)(3)—contained insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 6-2-61. Each defendant fined \$200.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

27564. Breeding mix, doughnut mix, and meal. (F.D.C. No. 43084. S. Nos. 8-186 P, 47-325/6 P.)

INFORMATION FILED: 8-28-59, Dist. Mass., against American Flour Co., a corporation, Charlestown, Mass., and Sidney Zion, treasurer and manager.

ALLEGED VIOLATIONS: Between 2-1-58 and 10-3-58, the defendants caused quantities of breading mix and doughnut mix, while held for sale after shipment in interstate commerce, to be held in a building accessible to insects and to be exposed to contamination by insects, which acts resulted in the articles being adulterated.

On 9-15-58, the defendants caused a quantity of meal which was adulterated to be introduced into interstate commerce at Charlestown, Mass., for delivery to Providence, R.I.

CHARGE: 402(a)(3)—the articles contained insects and insect parts; and 402(a)(4)—the breading mix and the doughnut mix were held under insanitary conditions, and the meal was prepared under insanitary conditions.

PLEA: Guilty by the company and nolo contendere by the individual.

DISPOSITION: 6-12-61. The company was fined \$300; the individual was fined \$200.

27565. Milo maize. (F.D.C. No. 46262. S. Nos. 51-059/61 R.)

QUANTITY: 34,000 lbs. at Floyd, N. Mex.

SHIPPED: Between 5-20-61 and 5-31-61, from Lubbock, Tex., by DeKalb Agricultural Association, Inc.

LIBELED: 8-23-61, Dist. N. Mex.; amended 8-31-61.

CHARGE: 402(a)(2)(B)—the article was a raw agricultural commodity and, when shipped, contained pesticide chemicals, namely, captan and heptachlor, which are unsafe within the meaning of 408(a) since no tolerance or exemption from the requirement of a tolerance for such pesticide chemicals on milo maize has been prescribed by regulations

DISPOSITION: 10-2-61. Default—destruction.

27566. Rice and chickpeas. (F.D.C. No. 45229. S. Nos. 33-061/2 R.)

INFORMATION FILED: 3-29-61, Dist. N.J., against East Coast Food Merchants Co., a partnership, Hoboken, N.J., and Alexander Weinreb and Samuel Weinreb, partners.

ALLEGED VIOLATIONS: Between 1-6-60 and 6-6-60, the defendants caused quantities of rice and chickpeas, while held for sale after shipment in interstate commerce, to be held in a warehouse accessible to rodents, and to be exposed to contamination by rodents, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—the articles contained rodent urine; and 402(a)(4)—the articles were held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 6-2-61. Each individual fined \$300; imposition of sentence suspended with respect to the partnership.

27567. Puffed rice. (F.D.C. No. 46222. S. No. 91-918 R.)

QUANTITY: 101 cases, 18 pkgs. each, at Bronx, N.Y.

SHIPPED: 6-13-61 and 6-28-61, from Shiremanstown, Pa., by Quaker Oats Co.

LABEL IN PART: (Pkg.) "Weight 6¾ Oz. Net * * * Quaker Puffed Rice Manufactured by The Quaker Oats Company, Chicago."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-7-61, S. Dist. N.Y.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 10-9-61. Default—delivered to a charitable institution.

27568. Puffed rice and puffed wheat. (F.D.C. No. 46225. S. Nos. 34-000 R, 83-917 R.)

QUANTITY: 116 cases, 18 pkgs. each, of puffed rice and 100 cases, 18 pkgs. each, of puffed wheat, at Mount Kisco, N.Y.

SHIPPED: 6-27-61, from Shiremanstown, Pa., by Quaker Oats Co.

LABEL IN PART: (Pkg.) "Weight 6¾ Oz. [or "6 Oz."] Net Quaker Puffed Rice [or "Wheat"] Manufactured by The Quaker Oats Company Chicago."

RESULTS OF INVESTIGATION: Examination showed that the articles were short weight.

LIBELED: 8-14-61, S. Dist. N.Y.

CHARGE: 403(e) (2)—when shipped, the articles failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 10-3-61. Default—delivered to a charitable institution.

27569. Sausage filler. (F.D.C. No. 46419. S. No. 46-047 R.)

QUANTITY: 281 100-lb. bags at Savannah, Ga., in possession of Coastal Bonded Warehouse.

SHIPPED: 4-28-61 and 7-10-61, from Baltimore, Md.

LIBELED: 8-29-61, S. Dist. Ga.

CHARGE: 402(a) (3)—contained insects; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 10-5-61. Consent—claimed by Baltimore Spice Co., Baltimore, Md., and released under bond to be denatured for use as animal feed.

27570. Wheat. (F.D.C. Nos. 45796, 45797. S. Nos. 55-352 R, 55-354 R.)

QUANTITY: 48,000 lbs. and 20,330 lbs. at Portland, Oreg.

SHIPPED: The 48,000-lb. lot was shipped on 5-1-61, from American Falls, Idaho, by the Midland Elevator Co.; the 20,330-lb. lot was shipped on 5-2-61, from Copeland, Idaho, by the General Feed & Grain Co., Simons Elevator.

LIBELED: 5-12-61, Dist. Oreg.

CHARGE: 402(a) (3)—contained rodent excreta pellets when shipped.

DISPOSITION: 6-13-61. Consent—the 48,000-lb. lot was claimed by Sterling H. Nelson & Sons, Inc.; the 20,330-lb. lot was claimed by Atwood-Larson Co., Inc. Both lots were denatured for use as animal feed.

27571. Wheat. (F.D.C. No. 46303. S. No. 66-329 R.)

QUANTITY: 318,000 lbs. at Springfield, Mo.

SHIPPED: 6-26-61 and 6-27-61, from Minneapolis, Minn., by Scroggins Grain Co.

LIBELED: 8-17-61, W. Dist. Mo.

CHARGE: 402(a)(3)—contained charred, burned, or scorched kernels of wheat when shipped.

DISPOSITION: 10-2-61. Consent—claimed by Lipscomb Grain & Seed Co., Springfield, Mo., and released under bond to be converted into animal feed.

27572. Whole wheat mix. (F.D.C. No. 44930. S. No. 90-334 P.)

INFORMATION FILED: 10-29-60, Dist. Conn., against Rose Mill, Inc., Milford, Conn., and H. Roland Frickenhaus, president of the corporation.

SHIPPED: 1-4-60, from Connecticut to Maine.

LABEL IN PART: (Bag) "NET WEIGHT 100 POUNDS A Grist Mill Since 1709 100% STONE GROUND WHOLE WHEAT MIX ROSE MILL INCORPORATED MILFORD, CONN."

CHARGE: 402(a)(3)—contained rodent hair fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 6-8-61. Corporation fined \$750; individual fined \$500, given a suspended sentence of 8 months in prison, and placed on probation for 3 years.

CONFECTIONERY AND HONEY

27573. Candy. (F.D.C. No. 46322. S. No. 71-921 R.)

QUANTITY: 47 cases, 60 boxes each, at Minneapolis, Minn.

SHIPPED: 8-2-61, from Brooklyn, N.Y., by Banner Candy Mfg. Corp.

LABEL IN PART: (Box) "Boston Baked Beans Banner Net Wt. 2 Ozs. * * * Manufactured by Banner Candy Mfg. Corp. Brooklyn, N.Y."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 9-5-61, Dist. Minn.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 10-23-61. Default—delivered to charitable institutions.

27574. Candy. (F.D.C. No. 46236. S. No. 88-023 R.)

QUANTITY: 59 cases, 24 bags each, at Baltimore, Md.

SHIPPED: 7-10-61, from Philadelphia, Pa., by National Licorice Co.

LABEL IN PART: (Bag) "Acme Virginia Lee Licorice Twist Ingredients: * * * Distributed by American Stores Co., General Offices, Phila., Pa. Net Wt. 6 Oz."

RESULTS OF INVESTIGATION: Examination showed that the ingredients and quantity of contents statements were printed in a dark colored ink and were inconspicuous against the black candy in the background.

LIBELED: 8-8-61, Dist. Md.

CHARGE: 403(f)—when shipped, the information required to appear on the label under 403(e)(2) and (i)(2), namely, the quantity of contents statements, and the ingredients statements, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or

devices, in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 10-3-61. Default—delivered to charitable institutions.

27575. Candy. (F.D.C. No. 45546. S. No. 40-013 R.)

INFORMATION FILED: 5-26-61, E. Dist. Mo., against Dye Candy Co., a corporation, St. Louis, Mo., and Ernest W. Dye, president.

SHIPPED: Between 8-5-60 and 8-18-60, from Missouri to Illinois.

LABEL IN PART: (Case) "30 LBS. NET NO. 201 PECO FLAKE Made by DYE CANDY COMPANY St. Louis, Mo."

CHARGE: 402(a)(3)—contained insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 6-19-61. Corporation fined \$500; individual fined \$100, plus costs.

27576. Candy. (F.D.C. No. 46297. S. No. 85-119 R.)

QUANTITY: 119 cases, 24 boxes each, at East Saint Louis, Ill.

SHIPPED: 6-27-61 and 7-7-61, from Elizabeth, N.J., by Ce De Candy, Inc.

LABEL IN PART: (Box) "Assorted Flavors Smarties Wafers 20 Rolls Net Wt. 4 $\frac{1}{3}$ Oz. * * * Ce De Candy, Inc. Elizabeth, N.J."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-15-61, E. Dist. Ill.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 10-5-61. Default—delivered to a charitable institution.

27577. Candy. (F.D.C. No. 46434. S. Nos. 91-333/6 R.)

QUANTITY: 40 ctns., 24 bags of pieces of candy of different flavors and colors according to the flavor, at Brooklyn, N.Y.

SHIPPED: 5-24-61 and 7-14-61, from Elizabethtown, Pa., by C. H. Simon Candy Co.

LABEL IN PART: (Bags) "Simons Spearmint [or "Cherry" or "Lemon" or "Cool Mints"] * * * Mfg. by C. H. Simon Candy Co. Elizabethtown, Penna. * * * Net Wt. 6.75 Oz."

LIBELED: 9-8-61, E. Dist. N.Y.

CHARGE: 403(f)—the information required to appear on the label under 403 (e) (1) and (2), (i) (2), and (k), namely, the name and address of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents, the common or usual name of each ingredient, and a declaration of the presence of artificial flavors and colors, was not prominently placed thereon (as compared with other words, designs, or statements in its labeling), as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 10-10-61. Default—delivered to a charitable institution.

27578. Life Savers (candy). (F.D.C. No. 46244. S. No. 84-569 R.)

QUANTITY: 89 cases, 20 pkgs. of 6 rolls each, at Kearny, N.J.

SHIPPED: Between 7-19-61 and 8-9-61, from Canajoharie, N.Y., by Beechnut Life Savers, Inc.

LABEL IN PART: (Pkg.) "Five Flavor Life Savers * * * Net Wt. .96 Oz. * * * Life Savers, Mfr., Port Chester, N.Y. * * * Contains Six 5¢ Pkgs."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-22-61, Dist. N.J.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of the contents; and 403(f)—the information required to appear on the label under 403(e) and (i)(2), namely, the name of the firm and the quantity of contents statement, and the common or usual name of each ingredient, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 10-9-61. Default—delivered to charitable institutions.

27579. Strawberry Twists (candy). (F.D.C. No. 46433. S. No. 96-557 R.)

QUANTITY: 306 cases, 24 bags each, at Philadelphia, Pa.

SHIPPED: Between 8-7-61 and 8-25-61, from Westville, N.J., by Letty Lane Candy Co., Inc.

LABEL IN PART: (Bag) "Net Wt. 7½ Ozs. Letty Lane Strawberry Twists Letty Lane Co. Westville, N.J."

LIBELED: 8-31-61, E. Dist. Pa.; amended 9-13-61.

CHARGE: 403(f)—the information required to appear on the label under 403(e)(1) and (2), (i)(2), and (k), namely, the name and address of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents, the common or usual name of each ingredient, and a statement of the presence of artificial color and artificial flavor, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 10-6-61. Consent—claimed by Letty Lane Candy Co., Inc., and released under bond for relabeling.

27580. Honey. (F.D.C. No. 46301. S. No. 84-974 R.)

QUANTITY: 150 cases, 12 jars each, at Saint Louis, Mo.

SHIPPED: 6-29-61, from Milford, Mich., by Walker & Sons Apiaries.

LABEL IN PART: (Jar) "Walkers Net Wt. 1 lb. 8 oz. * * * Pure Honey Clover * * * Walker & Sons Apiaries, Box 415, Milford, Mich."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-23-61, E. Dist. Mo.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 9-5-61. Consent—claimed by Walker & Sons Apiaries, and released under bond to be brought into compliance with the law.

EGGS

27581. Frozen eggs. (F.D.C. No. 45228. S. No. 31-765 R.)

INFORMATION FILED: 3-24-61, W. Dist. Tenn., against Brown Processing Co., Inc., Memphis, Tenn., and Oliver E. Brown, president.

SHIPPED: 7-11-60, from Tennessee to Louisiana.

LABEL IN PART: (Can) "WHOLE EGGS 30 Lbs. Net Distributed by BAL-LAS EGG PRODUCTS CO. Zanesville Ohio."

CHARGE: 402(a) (3)—contained decomposed eggs when shipped.

PLEA: Guilty.

DISPOSITION: 4-11-61. Fine of \$500 against the defendants jointly.

27582. Frozen eggs. (F.D.C. No. 44708. S. No. 2-300 R.)

QUANTITY: 1,064 30-lb. cans at Atlanta, Ga.

SHIPPED: 6-17-60, from New York, N.Y., by Helfer-King Co.

LIBELED: 7-5-60, N. Dist. Ga.

CHARGE: 402(a) (3)—contained decomposed eggs when shipped.

DISPOSITION: On 8-16-60, Dahlonga Egg Co., Inc., Murrayville, Ga., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the article be released under bond for reconditioning. On 8-16-61, it appearing that the claimant had not complied with the terms of the decree, and that the article had not been reconditioned pursuant to the decree, and after diligent efforts it appearing impossible to recondition the article pursuant to the decree, the court entered an order directing that the article be destroyed.

27583. Frozen egg product. (F.D.C. No. 44617. S. No. 32-686 R.)

QUANTITY: 25 30-lb. cans at New York, N.Y.

SHIPPED: Between 6-22-59 and 8-10-59, from Lakewood, N.J., by B. Zuck & Son.

LABEL IN PART: "Yokes No Sugar" and "Yolks."

LIBELED: 6-16-60, S. Dist. N.Y.

CHARGE: 402(a) (3)—contained a decomposed substance when shipped.

DISPOSITION: 1-17-61. Consent—claimed by Standard Butter & Egg Corp., New York, N.Y. Segregated; 7 cans denatured.

FISH AND SHELLFISH

27584. Frozen ocean perch fillets. (F.D.C. No. 45457. S. No. 99-223 R.)

QUANTITY: 2,669 cases of 12 1-lb. pkgs. each, and 72 cases, each containing 5 10-lb. pkgs. each, at Portland, Maine.

SHIPPED: The fillets were from fish caught by the fishing vessel "Medan," in the waters of the Atlantic Ocean outside the territorial limits of the State of Maine, and delivered to Portland, Maine, on or about 12-21-60.

LIBELED: 2-1-61, Dist. Maine.

CHARGE: 402(a) (3)—contained decomposed fish fillets when shipped.

DISPOSITION: 4-12-61. Consent—claimed by Fulham Bros., Inc., Portland, Maine. The fish involved in this libel action and in the libel actions reported in notices of judgment, Nos. 27585 and 27586, were brought into compliance

with the law by segregating the decomposed fish from the good fish. As a result of the segregation operations, 12,150 lbs. of fish involved in the three actions were destroyed.

27585. Frozen ocean perch fillets. (F.D.C. No. 45458. S. No. 99-606 R.)

QUANTITY: 971 cases, 12 1-lb. ctns. each, at Boston, Mass.

SHIPPED: 1-4-61, from Portland, Maine.

LIBELED: 2-1-61, Dist. Mass.

CHARGE: 402(a) (3)—contained decomposed fish fillets while held for sale.

DISPOSITION: 4-7-61. Consent—claimed by Fulham Bros., Inc., Boston, Mass.

The fish involved in this libel action and in the libel actions reported in notices of judgment, Nos. 27584 and 27586, were brought into compliance with the law by segregating the decomposed fish from the good fish. As a result of the segregation operations, 12,150 lbs. of fish involved in the three actions were destroyed.

27586. Frozen ocean perch fillets. (F.D.C. No. 45467. S. No. 58-582 R.)

QUANTITY: 100 cases, each containing 5 boxes of 10 1-lb. pkgs. each at Appleton, Wis.

SHIPPED: 1-5-61, from Boston, Mass., by Fulham Bros., Inc.

LABEL IN PART: (Box) "4 Fishermen Ocean Perch" and (pkg. insert label) "Ocean Perch Fillets 4 Fishermen Fulham Brothers, Inc., Fish Pier Boston, Mass. to be weighed at time of sale."

LIBELED: 2-9-61, E. Dist. Wis.

CHARGE: 402(a) (3)—contained decomposed fish fillets when shipped.

DISPOSITION: 4-3-61. Consent—claimed by Fulham Bros., Inc. The fish involved in this libel action and in the libel actions reported in notices of judgment, Nos. 27584 and 27585, were brought into compliance with the law by segregating the decomposed fish from the good fish. As a result of the segregation operations, 12,150 lbs. of the fish involved in the three actions were destroyed.

27587. Frozen whiting. (F.D.C. No. 46203. S. No. 80-682 R.)

QUANTITY: 156 cases, 12 3-lb. ctns. each, at Gloucester, Mass.

SHIPPED: The fish were caught outside the territorial waters of Massachusetts, and delivered to Gloucester, Mass., about 6-28-61.

LABEL IN PART: (Ctn.) "Booth Quick Frozen Headless Whiting Ready to Cook * * * Packed for Booth Fisheries Corp., Gloucester, Mass."

RESULTS OF INVESTIGATION: The article was prepared and packed into cartons by Booth Fisheries Corp., Sunlight Div., Gloucester, Mass.

LIBELED: 7-31-61, Dist. Mass.

CHARGE: 402(a) (3)—while held for sale, the article contained partially eviscerated fish and decomposed fish; and 403(a)—the label statement "Ready to Cook" and directions for use which called for cooking without further cleaning of the fish, were false and misleading as applied to fish which were only partially eviscerated.

DISPOSITION: 10-2-61. Default—delivered to a public institution for use as animal feed.

27588. Frozen whiting. (F.D.C. No. 46273. S. No. 70-718 R.)

QUANTITY: 384 cases, 10 5-lb. ctns. each, at Gloucester, Mass.

SHIPPED: The article was prepared and packed from fish caught in the waters of the Atlantic Ocean outside the territorial limits of Massachusetts on or about 7-24-61.

LIBELED: 8-23-61, Dist. Mass.

CHARGE: 402(a)(3)—contained decomposed fish while held for sale.

DISPOSITION: 10-9-61. Default—delivered to a public institution for use as animal feed.

27589. Frozen whiting. (F.D.C. No. 46189. S. No. 70-706 R.)

QUANTITY: 540 cases, 12 1½-lb. ctns. each, at Gloucester, Mass.

SHIPPED: The fish were caught outside the territorial waters of Massachusetts, and delivered to Gloucester, Mass., about 6-28-61.

LABEL IN PART: (Ctn.) "Booth Frozen Headless Whiting * * * Packed By Booth Fisheries Corp. * * * Chicago, Ill."

RESULTS OF INVESTIGATION: The article was prepared and packed into cartons by Booth Fisheries Corp., Sunlight Div., Gloucester, Mass.

LIBELED: 7-26-61, Dist. Mass.

CHARGE: 402(a)(3)—contained partially eviscerated fish and decomposed fish while held for sale.

DISPOSITION: 10-9-61. Default—delivered to a public institution for use as animal feed.

27590. Frozen cooked crabs. (F.D.C. No. 45104. S. Nos. 25-593/4 R.)

QUANTITY: 636 ctns., each containing 6 frozen cooked crabs, each crab enclosed in a plastic bag, at Los Angeles, Calif.

SHIPPED: 4-15-60 and 5-31-60, from Westport, Wash., by Washington Crab Producers, Inc.

LABEL IN PART: (Bag) "Sea Rock Brand Dungeness Crab * * * Distributed by Washington Crab Producers, Inc., Westport, Washington 1 Lbs. 12 Ozs. [and other weights]."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 11-23-60, S. Dist. Calif.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 7-11-61. Consent—claimed by Los Angeles Cold Storage Co., Los Angeles, Calif., and relabeled.

FRUITS AND VEGETABLES

CANNED FRUIT

27591. Maraschino cherries. (F.D.C. No. 46293. S. Nos. 53-924/5 R.)

QUANTITY: 93 cases, 24 jars each, at Minneapolis, Minn.

SHIPPED: Between 12-27-60 and 6-8-61, from Chicago, Ill., by W. O. Sommers, Inc.

LABEL IN PART: (Jar Lid) "So-Li-Cious Maraschino Cherries. PACKED by W. O. Sommers, Inc., Chicago, Ill. Net Wt. 4 oz. Contains."

RESULTS OF INVESTIGATION: Examination showed the packers name and place of business and statement of ingredients to be printed on the label in type so small as to be difficult to read.

LIBELED: 8-18-61, Dist. Minn.

CHARGE: 403(f)—when shipped, the information required to appear on the label within the meaning of 403 (e) (1) and (i) (2), namely, the name and place of business of the manufacturer, packer, or distributor, and the common or usual name of each ingredient, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 10-5-61. Consent—claimed by W. O. Sommers, Inc., and released under bond for relabeling.

VEGETABLES AND VEGETABLE PRODUCTS

27592. Sauerkraut. (F.D.C. No. 46248. S. Nos. 24-650/52 R.)

QUANTITY: 155 cases, 12 1-lb. 4-oz. bags each, 65 cases, 12 jars each, and 131 cases, 12 1-lb. 4-oz. bags each, at Topeka, Kans.

SHIPPED: On unknown dates, from Bear Creek and Union Grove, Wis.

LABEL IN PART: (Jar) "King's Delite Fresh Bulk Style Sauerkraut Ingredients: * * * 1 Quart King's Delite Foods, Topeka, Kansas."

RESULTS OF INVESTIGATION: Examination showed that the article in the jars was short weight. The article had been repacked into bags and jars by King's Delite Foods, Topeka, Kans., from bulk sauerkraut shipped as described above.

LIBELED: 8-15-61, Dist. Kans.

CHARGE: 402(a) (3)—while held for sale, the article (155-case and 131-case lots) contained decomposed sauerkraut; and 403(e) (2)—the article (65-case lot) failed to bear a label containing an accurate statement of the quantity of the contents, since the label statement "1 Quart" was inaccurate.

DISPOSITION: 10-2-61. Default—destruction.

27593. Sauerkraut. (F.D.C. No. 46067. S. No. 24-639 R.)

QUANTITY: 175 cases, 12 1-lb. 4-oz. bags each, at Topeka, Kans.

SHIPPED: On unknown dates from Union Grove and Bear Creek, Wis.

LIBELED: 7-7-61, Dist. Kans.

CHARGE: 402(a) (3)—contained decomposed sauerkraut while held for sale.

DISPOSITION: 9-29-61. Default—destruction.

27594. Dried pinto beans, dried Great Northern beans, and dried navy beans.
(F.D.C. No. 45973. S. Nos. 14-649 R, 14-652/3 R.)

INFORMATION FILED: 7-17-61, W. Dist. Ky., against Merchants Wholesale Grocery Co., a corporation, Louisville, Ky.

ALLEGED VIOLATIONS: Between 10-27-60 and 12-12-60, the defendants caused quantities of pinto beans, Great Northern beans, and navy beans, while held for sale after shipment in interstate commerce, to be held in a building acces-

sible to rodents, and to be exposed to contamination by rodents, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—the articles contained rodent urine; and 402(a)(4)—the articles had been held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 8-24-61. \$450 fine.

27595. Precooked beans. (F.D.C. No. 46316. S. No. 77-137 R.)

QUANTITY: 314 cases, 20 2-lb. bags each, at Fresno, Calif.

SHIPPED: 2-16-60, from Guadalajara, Jalisco, Mexico.

LIBELED: 8-23-61, S. Dist. Calif.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 10-6-61. Default—destruction.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

27596. Verne Gagne's Three P's Dietary Supplement. (F.D.C. No. 44600. S. No. 23-232 R.)

QUANTITY: 59 cases, each containing 12,000 tablets, and 22 cases, 12 80-tablet btl. each, and 84 cases, 12 300-tablet btl. each, at Omaha, Nebr.

SHIPPED: 5-4-60 and 5-9-60, from Kalamazoo, Mich.

LABEL IN PART: (59-case lot) "Champion of the World * * * Verne Gagne's Fortified Protein Three P's Protein Power Pack Dietary Supplement Distributed by Vitamin Industries, * * * Omaha 2, Nebraska" and (btl.) "Champion of the World Verne Gagne's Three P's Dietary Supplement Distributed by Vitamin Industries 1511 Davenport St. Omaha 2, Nebr. * * * Ingredients: The readily available natural food protein factors in Three P's are composed of a special, skillfully blended formulation consisting of Soya Lecithin, Soy Powder, Solids of defatted, dehydrated milk, barley malt, Sucrose, Dextrose, Debittered Special Strain Yeast, with natural purified Bone Meal. * * * Proper nutrition and exercise together with a profound knowledge and study of nutrition is required to build a body like that of Verne Gagne. * * * Each Three P tablet weighs approximately 14 grains * * * Protein 16.40%."

RESULTS OF INVESTIGATION: The article in the bottles was repacked by Vitamin Industries, Inc., from bulk stock which had been shipped as described above.

LIBELED: 6-2-60, Dist. Nebr.

CHARGE: 403(a)—while held for sale, the label of the article in bulk and as repacked contained statements and the picture of an athlete which represented and suggested that the article was a fortified protein, that as a source of protein for special dietary food use the article would supply a significant amount of protein to the diet, and that its consumer would develop strength, power, and an athletic physique, which statements and picture were false and misleading since the article was not a fortified protein, contained an insignificant amount of protein for special dietary food use, and would not be adequate for the purposes for which it was represented.

DISPOSITION: 10-24-60. Consent—claimed by Vitamin Industries, Inc.; repacked and relabeled.

27597. Vegefruit tablets. (F.D.C. No. 46263. S. No. 47-207 R.)

QUANTITY: 1 bulk drum containing 103,380 tablets, at Lansing, Mich., in possession of Vitul Products Co.

SHIPPED: 8-26-59, from Los Angeles, Calif.

LABEL IN PART: (Bag) "Vegefruit Vegetables and Fruits Concentrated-Formulated * * * Directions: One or two tablets daily. Nutritional Dietary Supplement."

RESULTS OF INVESTIGATION: The article was to be repacked into bags, and labeled as described above, by the dealer from the bulk stock which had been shipped as described above.

LIBELED: 8-21-61, W. Dist. Mich.

CHARGE: 403(a)—while held for sale, the labeling of the article, in bulk and as repacked, contained false and misleading statements which represented and suggested that the article was of special dietary supplementation by reason of the presence therein of 58 concentrated, fortified vegetables, seaweeds, herbs, fruits, and other substances; and 403(j)—the article purported to be and was represented for special dietary use, and its label failed to bear, as required by regulations, a statement of the dietary properties upon which such use was based in whole or in part.

DISPOSITION: 9-19-61. Default—destruction.

27598. Dried Torula yeast. (F.D.C. No. 46299. S. No. 54-451 R.)

QUANTITY: 42 cases, 12 16-oz. jars each, and 47 cases, 12 8-oz. jars each, at Minneapolis, Minn., in possession of Pavo Co., Inc.

SHIPPED: Between 1-10-61 and 5-16-61, Rhinelander, Wis.

LABEL IN PART: (Jar) "Pavo Natural Organic Yeast P-900 [or "P-150"] Powder Dried Torula Yeast U.S.P. XV * * * Directions as a dietary supplement * * * 3 Rounded Tablespoonsful daily Provides * * * Folic Acid 0.6 mg. Folinic Acid 100 mcgm. * * * The Pavo Co., Inc., Minneapolis, Minn."

RESULTS OF INVESTIGATION: The article was repacked into jars by Pavo Co., Inc., from bulk stock shipped as described above.

LIBELED: 8-18-61, Dist. Minn.

CHARGE: 402(a)(2)(C)—while held for sale, the article contained food additives, namely, folic acid and folinic acid, which were unsafe within the meaning of 409 since it and its intended use were not in conformity with a regulation or exemption in effect pursuant to 409.

DISPOSITION: 10-17-61. Default—destruction.

27599. Prenatal tablets. (F.D.C. No. 46183. S. No. 70-567 R.)

QUANTITY: 1 drum containing approximately 36,200 tablets at Brighton, Mass.

SHIPPED: 9-22-59, from Hackensack, N.J.

RESULTS OF INVESTIGATION: Analysis showed that the article contained approximately 68 percent of the declared amount of vitamin A.

LIBELED: 7-26-61, Dist. Mass.

CHARGE: 402(b)(1)—while held for sale, the valuable constituent, namely, vitamin A, had been in whole or in part omitted or abstracted from the article; and 403(a)—the label statement "Each tablet contains * * * Vit. A 5000 U." was false and misleading.

DISPOSITION: 10-9-61. Default—destruction.

27600. Senior Vite-Mins capsules and Protect-A-Day capsules. (F.D.C. No. 46443. S. Nos. 18-201/2 T.)

QUANTITY: 10 350-capsule btl. and 19 100-capsule btl. of Senior Vite-Mins and 24 100-capsule btl. of Protect-A-Day capsules, at Shawnee, Okla.

SHIPPED: 1-15-60, from Detroit, Mich., by R. P. Scherer Corp.

LABEL IN PART: (Btl.) "Senior Vite-Mins [or "Protect-A-Day"] * * * Vitamin-Minerals * * * Average Dose: 1 or 2 capsules daily * * * Bottled by Friendly Laboratories for Tiffany's Vitality Foods Center, Distr., Shawnee, Okla. * * * Each Capsule Contains: * * * Folic Acid 0.5 mg. [or "0.34 mg."]."

RESULTS OF INVESTIGATION: The article was repacked by the dealer from bulk lots shipped as described above.

LIBELED: 9-12-61, W. Dist. Okla.

CHARGE: 402(a)(2)(C)—when shipped, the article contained a food additive, namely, folic acid, which is unsafe within the meaning of 409, since it and its use or intended use were not in conformity with a regulation or exemption in effect pursuant to 409.

DISPOSITION: 10-4-61. Default—destruction.

INDEX TO NOTICES OF JUDGMENT F.N.J. NOS. 27551-27600

PRODUCTS

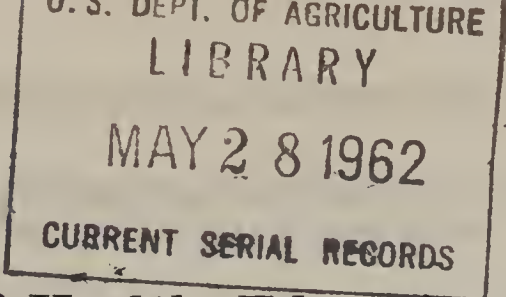
	N.J. No.		N.J. No.
Bakery products-----	27556, 27557	Great Northern beans, dried----	27594
Beans, Great Northern, dried---	27594	Honey-----	27580
navy, dried-----	27594	Honeymalt-----	27554
pinto, dried-----	27594	Life Savers (candy)-----	27578
precooked-----	27595	Macaroni and noodle	
Beverages and beverage ma-		products-----	27561-27563
terials-----	27551-27555	Maraschino cherries-----	27591
Bread-----	27557	Meal-----	27564
Breeding mix-----	27564	Milo maize-----	27565
Candy. <i>See</i> Confectionery.		Mix, breeding-----	27564
Carbonated beverage-----	27555	doughnut-----	27564
Cereals and cereal		whole wheat-----	27572
products-----	27556-27572	Navy beans, dried-----	27594
Cherries, maraschino-----	27591	Noodles. <i>See</i> Macaroni and	
Chickpeas-----	27566	noodle products.	
Confectionery-----	27573-27579	Orange drink-----	27551
Cornmeal-----	27558	Perch fillets, frozen-----	27584-27586
Crabs, cooked, frozen-----	27590	Pinto beans, dried-----	27594
Doughnut mix-----	27564	Pop Kola. <i>See</i> Carbonated	
Egg(s), frozen-----	27581, 27582	beverage.	
product, frozen-----	27583	Prenatal tablets-----	27599
Fish and shellfish-----	27584-27590	Protect-A-Day capsules-----	27600
Flour-----	27558-27560	Rice-----	27566
Fruits and vegetables-----	27591-27595	puffed-----	27567, 27568
fruit, canned-----	27591	Root beer-----	27551
vegetables and vegetable		Sauerkraut-----	27592, 27593
products-----	27592-27595	Sausage filler-----	27569
Gagne's, Verne, Three P's Dietary		Senior Vite-Mins capsules-----	27600
Supplement-----	27596		

	N.J. No.		N.J. No.
Shellfish. <i>See</i> Fish and shellfish,		Vitamin, mineral, and other	
Spaghetti. <i>See</i> Macaroni and		products of special dietary	
noodle products.		significance-----	27596-27600
Strawberry Twists (candy)-----	27579	Wheat-----	27570, 27571
Tea-----	27552	whole, mix-----	27572
instant-----	27553	puffed-----	27568
Vegefruit tablets-----	27597	Whiting, frozen-----	27587-27589
Vegetables. <i>See</i> Fruits and vege-		Yeast, Torula, dried-----	27598
tables.			

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N.J. No.		N.J. No.
Alma Canning Co.:		DeKalb Agricultural Association,	
canned spaghetti-----	27563	Inc.:	
American Flour Co.:		milo maize-----	27565
breeding mix, doughnut mix,		Denner, J. L.:	
and meal-----	27564	bread-----	27557
American Soda Water Co.:		Dye, E. W.:	
carbonated beverage-----	27555	candy-----	27575
American Stores Co.:		Dye Candy Co.:	
candy-----	27574	candy-----	27575
Arb Co.:		East Coast Food Merchants Co.:	
Honeymalt-----	27554	rice and chickpeas-----	27566
Ballas Egg Products Co.:		Frickenhaus, H. R.:	
frozen eggs-----	27581	whole wheat mix-----	27572
Banner Candy Mfg. Corp.:		Friendly Laboratories:	
candy-----	27573	Senior Vite-Mins capsules and	
Beechnut Life Savers, Inc.:		Protect-A-Day capsules-----	27600
Life Savers (candy)-----	27578	Fullham Bros., Inc.:	
Boat. <i>See</i> Medan.		frozen ocean perch fillets-----	27586
Booth Fisheries Corp.:		Garozzo, R. A.:	
frozen whiting-----	27587, 27589	noodles and spaghetti-----	27561
Brown, O. E.:		General Feed & Grain Co.:	
frozen eggs-----	27581	wheat-----	27570
Brown Processing Co., Inc.:		Golden Krust Bakery. <i>See</i> Den-	
frozen eggs-----	27581	ner, J. L.	
Burriss, Albert:		Grosse Pointe Quality Food Co.:	
root beer and orange drink---	27551	noodles-----	27562
Caracostas, E. A.:		Helfer-King Co.:	
bakery products-----	27556	frozen eggs-----	27582
Ce De Candy, Inc.:		Hires, Charles E., Co., Div. of	
candy-----	27576	Consolidated Foods Corp.:	
Chines Brownie Co., Inc.:		root beer and orange drink---	27551
bakery products-----	27556	Honeymalt Co.:	
Coastal Bonded Warehouse:		Honeymalt-----	27554
sausage filler-----	27569	King's Delite Foods:	
Consolidated Foods Corp. <i>See</i>		sauerkraut-----	27592
Hires, Charles E., Co.			

	N.J. No.		N.J. No.
Lakeview Flours:		Simon, C. H., Candy Co.:	
flour and cornmeal-----	27558	candy-----	27577
Letty Lane Candy Co., Inc.:		Simons Elevator:	
Strawberry Twists (candy)---	27579	wheat-----	27570
Levering Coffee Co.:		Sommers, W. O., Inc.:	
tea-----	27552	maraschino cherries-----	27591
Medan (boat):		Tetley Tea Co., Inc.:	
frozen ocean perch fillets-----	27584	instant tea-----	27553
Merchants Wholesale Grocery		Tiffany's Vitality Foods Center:	
Co.:		Senior Vite-Mins capsules and	
pinto beans, Great Northern		Protect-A-Day capsules-----	27600
beans, and navy beans-----	27594	Vevco Foods, Inc.:	
Midland Elevator Co.:		canned spaghetti-----	27563
wheat-----	27570	Vitamin Industries, Inc.:	
National Licorice Co.:		Verne Gagne's Three P's Die-	
candy-----	27574	tary Supplement-----	27596
Nesbitt's of California:		Vitul Products Co.:	
root beer and orange drink-----	27551	Vegefruit tablets-----	27597
Owened Grocers, Inc.:		Viviano, F. P.:	
canned spaghetti-----	27563	canned spaghetti-----	27563
Pavo Co., Inc.:		Viviano, J. P.:	
dried Torula yeast-----	27598	canned spaghetti-----	27563
Quaker Oats Co.:		Walker & Sons Apiaries:	
puffed rice-----	27567, 27568	honey-----	27580
puffed wheat-----	27568	Washington Crab Producers,	
Ray, Ed, Foods, Inc.:		Inc.:	
noodles and spaghetti-----	27561	frozen cooked crabs-----	27590
Rose Mill, Inc.:		Weinreb, Alexander:	
whole wheat mix-----	27572	rice and chickpeas-----	27566
Routzahn, C. E.:		Weinreb, Samuel:	
flour and cornmeal-----	27558	rice and chickpeas-----	27566
St. Louis Macaroni Mfg. Co.,		Weiss Noodle Co.:	
Inc.:		noodles-----	27562
noodles and spaghetti-----	27561	Zion, Sidney:	
Scherer, R. P., Corp.:		breadding mix, doughnut mix,	
Senior Vite-Mins capsules and		and meal-----	27564
Protect-A-Day capsules-----	27600	Zuck, B., & Son:	
Scroggins Grain Co.:		frozen egg product-----	27583
wheat-----	27571		



U.S. Department of Health, Education, and Welfare
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

27601-27650

FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered after default or consent, and (2) criminal proceedings which were terminated upon pleas of guilty. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., April 23, 1962.

CONTENTS

	Page		Page
Cereals and cereal products.....	230	Fruits and vegetables.....	237
Bakery products.....	230	Dried fruit.....	237
Flour.....	232	Preserves.....	238
Miscellaneous cereals and ce- real products.....	233	Vegetables and vegetable prod- ucts.....	238
Confectionery, honey, and re- lated products.....	234	Nuts and nut products.....	239
Dairy products.....	235	Spices, flavors, and seasoning materials.....	240
Butter.....	235	Vitamin, mineral, and other products of special dietary significance.....	242
Cheese.....	236	Miscellaneous foods.....	246
Feeds and grains.....	237		
Fish and shellfish.....	237		

SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 27601-27650.

Adulteration, Section 402(a)(2)(C), the article contained a food additive which was unsafe within the meaning of Section 409; Section 402(a)(3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance, or it was otherwise unfit for food; Section 402(a)(4), the article had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth; Section 402(b)(1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b)(2), a substance had been substituted in whole or in part for the article; Section 402(b)(3), inferiority had been concealed in some manner; and Section 409, a food additive was deemed to be unsafe because the food additive and its use or intended use failed to conform to the terms of an effective exemption or because there was not in effect, or the food additive and its use or intended use failed to be in conformity with, a regulation prescribing conditions for safe use.

Misbranding, Section 403(a), the labeling of the article was false and misleading; Section 403(e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; Section 403(f), a word, statement, or other information required by or under authority of the Act to appear on the label or labeling was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; Section 403(g)(1), the article purported to be or was represented as a food for which a definition and standard of identity had been prescribed by regulations and the article failed to conform to such definition and standard; Section 403(i)(2), the article was not subject to the provisions of Section 403(g) and (1) its label failed to bear the common or usual name of the article, (2) the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; and Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as the Secretary has determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

27601. Cookies. (F.D.C. No. 46333. S. No. 97-925 R.)

QUANTITY: 39 cases, 12 pkgs. each, at Albany, N.Y.

SHIPPED: 7-25-61, from Lowell, Mass., by Megowen Educator Food Co.

LABEL IN PART: (Pkg.) "E Educator Frosted Fruit & Nut Cookies * * * Net Wt. 10 Ozs. Megowen Educator Food Co., Lowell, Mass."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 9-15-61, N. Dist. N.Y.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 10-19-61. Default—delivered to charitable institutions.

27602. Coconut Crispies. (F.D.C. No. 46454. S. No. 79-948 R.)

QUANTITY: 32 cases, 12 boxes each, at Pennsauken, N.J.

SHIPPED: 7-11-61, from Lowell, Mass., by Megowen Educator Food Co.

LABEL IN PART: (Box) "E Cocoonut Crispies Net Wt. 11¼ Ozs. * * * Megowen Educator Food Co. Lowell, Mass."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 9-18-61, Dist. N.J.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 10-27-61. Default—delivered to a charitable institution.

27603. Coffeecake, butter cake, and strawberry turnovers. (F.D.C. No. 45934. S. Nos. 73-105/6 R, 73-108 R.)

QUANTITY: 983 cases, 12 14½-oz. aluminum foil containers each, of coffee-cake; 1,587 cases, 12 14½-oz. aluminum foil containers each, of butter cake; and 684 cases, 12 12-oz. ctns. each, of strawberry turnovers, at Los Angeles, Calif.

SHIPPED: (Coffeecake and butter cake) 3-2-61, from Denmark, by Gotze: Reje-og Hummerindustri; and (strawberry turnovers) 2-3-61, from Denmark, by Eventyr Isen (Scan-Bakers A/S).

LABEL IN PART: (Cover) "Imported From Denmark * * * Danish Bakers Coffee Cake [or "Butter Cake"] * * * Made From Butter * * * Over ¼ Lb. Butter In Each Cake * * * Danish Bakers Inc., Los Angeles 11, California" and (ctn.) "4 Danish strawberry turnovers Made with pure Danish Butter * * * Imported from Denmark * * * Packed in Denmark For Danish Bakers, Inc., Los Angeles-New York."

RESULTS OF INVESTIGATION: Examination of the coffeecake and butter cake showed that they contained less than one-quarter pound of butter, as declared on their labels; and examination of the turnovers showed that approximately 10 percent of the total fat content was butterfat.

LIBELED: 6-6-61, S. Dist. Calif.

CHARGE: Coffeecake and butter cake, 402(b)(1)—when shipped, the valuable constituent, namely, butter, had been in part omitted or abstracted from the articles; 402(b)(2)—fat other than butterfat had been substituted in part for butter; 403(a)—the label statement "Over ¼ Lb. Butter In Each Cake" was false and misleading; and 403(i)(2)—the articles were fabricated from two or more ingredients, and their labels failed to bear the common or usual name of such ingredients, since fat other than butterfat had not been declared on their labels.

Strawberry turnovers, 403(a)—when shipped, the label statement "Made with pure Danish Butter" was false and misleading as applied to an article which contained butter and fat other than butterfat; and 403(f)—the name and address of the manufacturer, packer, or distributor, and the ingredient statement, were not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices, in the

labeling) as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 10-31-61. Default—delivered to charitable institutions.

27604. Buttermilk biscuits. (F.D.C. No. 46349. S. No. 16-310 T.)

QUANTITY: 153 cases, 48 4-oz. cans each, at Louisville, Ky.

SHIPPED: 9-21-61, from Jeffersonville, Ind., by Refrigerated Dough Products, Inc.

LABEL IN PART: (Can) "Dixie's Pride 5 Buttermilk Biscuits."

LIBELED: 9-26-61, W. Dist. Ky.

CHARGE: 403(e)(1)—when shipped, the article failed to bear a label containing the name and address of the manufacturer, packer, or distributor.

DISPOSITION: 9-29-61. Default—delivered to a charitable institution.

FLOUR

27605. Flour. (F.D.C. No. 46345. S. Nos. 9-045/7 T.)

QUANTITY: 800 100-lb. bags at Buffalo, N.Y.

SHIPPED: 8-9-61, from Bradford, Pa.

RESULTS OF INVESTIGATION: Examination showed that the article contained a food additive, namely, inorganic bromides.

LIBELED: 9-22-61, W. Dist. N.Y.; amended 10-17-61.

CHARGE: 402(a)(2)(C)—while in interstate commerce, the article contained a food additive, namely, inorganic bromides, which is unsafe within the meaning of 409, since it and its intended use were not in conformity with a regulation or exemption in effect pursuant to 409.

DISPOSITION: 11-9-61. Default—destruction.

27606. Flour. (F.D.C. No. 46344. S. No. 9-049 T.)

QUANTITY: 800 100-lb. bags at Pittsburgh, Pa.

SHIPPED: 9-15-61, from Buffalo, N.Y.

RESULTS OF INVESTIGATION: Examination showed that the article contained a food additive, namely, inorganic bromides.

LIBELED: 9-21-61, W. Dist. Pa.; amended 9-26-61, 9-27-61, and 10-9-61.

CHARGE: 402(a)(2)(C)—while in interstate commerce, the article contained a food additive, namely, inorganic bromides, which is unsafe within the meaning of 409, since it and its intended use were not in conformity with a regulation or exemption in effect pursuant to 409.

DISPOSITION: 11-2-61. Default—destruction.

27607. Flour. (F.D.C. No. 46468. S. No. 9-048 T.)

QUANTITY: 800 100-lb. bags at Jersey City, N.J.

SHIPPED: Prior to 7-17-61, from Buffalo, N.Y.

RESULTS OF INVESTIGATION: Examination showed that the article contained a food additive, namely, inorganic bromides.

LIBELED: 9-25-61, Dist. N.J.

CHARGE: 402(a)(2)(C)—while in interstate commerce, the article contained a food additive, namely, inorganic bromides, which is unsafe within the meaning of 409, since it and its use or intended use were not in conformity with a regulation or exemption in effect pursuant to 409.

DISPOSITION: 10-23-61. Default—destruction.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

27608. Rice. (F.D.C. No. 46412. S. No. 76-236 R.)

QUANTITY: 280 25-lb. bags at Charleston Heights, S.C., in possession of Rodenberg's.

SHIPPED: 3-23-61, from Crowley, La.

LIBELED: 8-28-61, E. Dist. S.C.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—stored under insanitary conditions.

DISPOSITION: 10-4-61. Consent—claimed by Rodenberg's. Segregated; 266 bags destroyed.

27609. Rice. (F.D.C. No. 46470. S. No. 2-205 T.)

QUANTITY: 19 bales, 20 2-lb. bags each, at Vidalia, Ga., in possession of Dixie Supply Co.

SHIPPED: 2-27-61, from Houston, Tex.

LIBELED: 9-28-61, S. Dist. Ga.

CHARGE: 402(a)(3)—contained rodent excreta, insects and insect larvae; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-31-61. Default—destruction.

27610. Rice. (F.D.C. No. 46282. S. No. 75-965 R.)

QUANTITY: 71 25-lb. bags at Ocala, Fla., in possession of Certified Grocers of Florida, Inc.

SHIPPED: 6-20-61 and 7-17-61, from Stuttgart, Ark.

LIBELED: 8-25-61, S. Dist. Fla.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—stored under insanitary conditions.

DISPOSITION: 10-3-61. Default—destruction.

27611. Puffed wheat. (F.D.C. No. 46298. S. No. 98-336 R.)

QUANTITY: 104 cases, 18 pkgs. each, at Grand Island, Nebr.

SHIPPED: 6-30-61, from Cedar Rapids, Iowa, by Quaker Oats Co.

LABEL IN PART: (Pkg.) "Weight 6 Oz. Net * * * Quaker Puffed Wheat Manufactured by The Quaker Oats Company * * * Chicago."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: On or about 8-22-61, Dist. Nebr.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 9-22-61. Default—delivered to a public institution.

27612. Breeding, dried pinto beans, dried kidney beans, dried Great Northern beans, and dried yellow split peas. (F.D.C. No. 46450. S. Nos. 46-048 R, 46-051/6 R.)

QUANTITY: 7 100-lb. drums of breeding; 9 100-lb. bags of dried pinto beans; 4 100-lb. bags of dried kidney beans; 3 100-lb. bags of dried Great Northern beans, and 2 100-lb. bags of dried split peas, at Savannah, Ga., in possession of Alexander Grocery Co., Inc.

SHIPPED: Between 1-17-61 and 8-8-61, from Jacksonville, Fla., and Indianapolis, Ind.

LIBELED: 9-14-61, S. Dist. Ga.

CHARGE: 402(a)(3)—contained adult insects, larvae, insect excreta, pupae, and fragments; and 402(a)(4)—(all lots except breeding) held under unsanitary conditions.

DISPOSITION: 10-23-61. Default—delivered to a charitable institution for use as animal feed.

CONFECTIONERY, HONEY, AND RELATED PRODUCTS

CONFECTIONERY

27613. Candy. (F.D.C. No. 46351. S. No. 16-703 T.)

QUANTITY: 1,584 10-oz. bags at Dayton, Ohio, in possession of Loer Food Products Co.

SHIPPED: 3-7-61, from Melrose Park, Ill.

LABEL IN PART: (Bag) "Betty Jane Marshmallow eggs * * * Packed and Distributed by Loer Food Products Dayton, Ohio."

RESULTS OF INVESTIGATION: The article was repacked and labeled by the dealer from bulk stock shipped as described above.

LIBELED: 9-27-61, S. Dist. Ohio.

CHARGE: 403(i)(2)—while held for sale, the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: 11-8-61. Consent—claimed by Loer Food Products Co., Dayton, Ohio, and released under bond for relabeling.

27614. Frozen suckers. (F.D.C. No. 46308. S. No. 95-841 R.)

QUANTITY: 74 cases of 24 ctns., each ctn. containing 8 bags, at El Paso, Tex.

SHIPPED: 5-13-60 and 7-3-60, from Chicago, Ill., and Atlanta, Ga., by Franwill, Inc.

LABEL IN PART: (Ctn.) "8 Pick-A-Pop Freeze in the bag * * * No Stick No Mess * * * Distributed by Franwill, Inc., 621 E. Vermont, Indianapolis, Ind. Net Wt. 1½ Oz. Each."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-18-61, W. Dist. Tex.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 10-26-61. Default—destruction.

27615. Honey. (F.D.C. No. 46177. S. No. 71-373 R.)

QUANTITY: 52 cases, 12 jars each, at Duluth, Minn.

SHIPPED: 6-16-61 and 6-29-61, from Clayton, Wis., by F. E. McClintock.

LABEL IN PART: (Jar) "McClintock's Golden Sweet Pure Honey U.S. No. 1 White Net Wt. 1 lb. F. E. McClintock Clayton, Wis."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-19-61, Dist. Minn.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 10-16-61. Default—delivered to a charitable institution.

27616. Ice cream topping. (F.D.C. No. 46595. S. Nos. 13-502/5 T.)

QUANTITY: 29 cases, each containing 12 bottles in various flavors, butterscotch, pineapple, chocolate, and strawberry, at Appleton, Wis.

SHIPPED: 8-18-61 and 9-1-61, from Omaha, Nebr., by O-So-Good Food Products Co.

LABEL IN PART: (Btl.) "O-So-Good Sundae Topping (various flavors) * * * Net Wt. 17 Ozs. O-So-Good Products Co., Omaha, Nebr."

RESULTS OF INVESTIGATION: Examination showed that the articles were short weight.

LIBELED: 10-20-61, E. Dist. Wis.

CHARGE: 403(e) (2)—when shipped, the articles failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 11-16-61. Default—delivered to charitable institutions.

27617. Ice cream topping. (F.D.C. No. 46302. S. Nos. 71-489/90 R.)

QUANTITY: 39 cases, 12 jars each, of strawberry topping, and 29 cases, 12 jars each, of butterscotch topping, at Madison, Wis.

SHIPPED: 5-17-61 and 5-31-61, from Omaha, Nebr., by O-So-Good Food Products Co.

LABEL IN PART: (Jar) "O-So-Good Sundae Topping Strawberry [or "Butterscotch"] * * * Net Wt. 17 ozs. O-So-Good Food Products Co. Omaha, Nebr."

RESULTS OF INVESTIGATION: Examination showed that the articles were short weight.

LIBELED: 8-17-61, W. Dist. Wis.

CHARGE: 403(e) (2)—when shipped, the articles failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 9-23-61. Default—delivered to a charitable institution.

DAIRY PRODUCTS

BUTTER

27618. Butter. (F.D.C. No. 45683. S. No. 49-666 R.)

INFORMATION FILED: 6-30-61, Dist. Colo., against Bredan Creamery, Inc., Denver, Colo., and George C. Young, Sr., president.

ALLEGED VIOLATIONS: On 8-24-48, the defendants caused to be given to a firm engaged in the business of shipping butter in interstate commerce a guaranty to the effect that butter shipped and delivered by the defendants under the guaranty would not be adulterated. On 9-29-60, the defendants caused to be shipped and delivered to the holder of the guaranty, at Denver, Colo., quantities of butter which was adulterated.

CHARGE: 402(b) (1)—a valuable constituent, milk fat, had been in part omitted from the article; and 402(b) (2)—a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

PLEA: Guilty.

DISPOSITION: 8-25-61. Corporation fined \$250; individual placed on probation for 1 year.

27619. Butter. (F.D.C. No. 46281. S. No. 98-346 R.)

QUANTITY: 1,262 64-lb. ctns. at Kansas City, Kans.

SHIPPED: 7-22-61, from Madison and Omaha, Nebr.

RESULTS OF INVESTIGATION: Inspection showed that the article had been damaged in transit and had been removed from the damaged rail cars during rain by employees wearing muddy shoes.

LIBELED: 8-30-61, Dist. Kans.

CHARGE: 402(a) (3)—contained mud and muddy water while held for sale.

DISPOSITION: 9-7-61. Consent—claimed by Kay Gee Sales, Inc., Kansas City, Mo. Segregated; 1,120 lbs. converted for technical use.

27620. Butter. (F.D.C. No. 43767. S. No. 27-726 T.)

QUANTITY: 124 64-lb. cubes at Chicago, Ill.

SHIPPED: 9-14-61, from Ravenwood, Mo., by Ravenwood Coop. Creamery.

LABEL IN PART: "Creamery Butter Berkshire Foods, Inc. Chicago, Ill. A254."

RESULTS OF INVESTIGATION: Examination showed that the article contained insect fragments, insects, and rodent hairs.

LIBELED: 9-20-61, N. Dist. Ill.

CHARGE: 402(a) (3)—contained a filthy substance when shipped.

DISPOSITION: 10-6-61. Consent—claimed by Berkshire Foods, Inc., Chicago, Ill., and denatured for use in making soap.

CHEESE

27621. Swiss cheese. (F.D.C. No. 46442. S. No. 4-267 T.)

QUANTITY: 10 cases, 12 1-lb. pkgs. each, at Landover, Md.

SHIPPED: 8-18-61, from Philadelphia, Pa., by New York Cheese Co.

LABEL IN PART: (Pkg.) "Blue Ribbon Super Special Wisconsin Sliced Swiss Cheese * * * Distributed by Grand Union Company, Washington, D.C."

RESULTS OF INVESTIGATION: Examination showed that artificial holes, or eyes, had been cut into the cheese.

LIBELED: 9-7-61, Dist. Md.

CHARGE: 402(b) (3)—when shipped, artificial holes, or eyes, had been cut into the cheese, thereby concealing inferiority of the product.

DISPOSITION: 10-3-61. Default—destruction.

FEEDS AND GRAINS

27622. Dairy feed. (F.D.C. No. 46011. S. No. 528 P.)

INFORMATION FILED: 8-15-61, Dist. N. Mex., against El Rancho Milling Co., a corporation, Clovis, N. Mex., and Alvy R. Smith, vice president.

SHIPPED: Between 10-1-59 and 10-19-59, from New Mexico to Oklahoma.

LABEL IN PART: (Bags) "NET WEIGHT 50 POUNDS LINDO BRAND DAIRY FEED Manufactured By EL RANCHO MILLING CO. Clovis, New Mexico Crude Protein, not less than ----- 16.00%."

CHARGE: 402(b)(2)—when shipped, a product containing less than 16 percent crude protein had been substituted for a product containing not less than 16 percent crude protein, which the article was represented to be.

PLEA: Guilty.

DISPOSITION: 8-25-61. Each defendant fined \$125.

FISH AND SHELLFISH

27623. Frozen frog legs. (F.D.C. No. 46506. S. No. 49-111 T.)

QUANTITY: 27 cases of frozen frog legs, individually wrapped, of various sizes, as medium, large, and jumbo, at San Francisco, Calif.

SHIPPED: 8-18-61, from Seattle, Wash., by Bayside Suppliers, Ltd.

LABEL IN PART: (Some cases) "India Seafood * * * Cochin 5, India Pelican Brand * * * 10 lbs. net weight" or "Packed by International Fisheries Private, Ltd., Bombay 5, India * * * Quick Frozen Frog Legs 10 lbs. net weight."

LIBELED: 10-18-61, N. Dist. Calif.

CHARGE: 402(a)(3)—contained decomposed frog legs when shipped.

DISPOSITION: 11-15-61. Default—destruction.

27624. Breaded oysters. (F.D.C. No. 46153. S. No. 85-405 R.)

QUANTITY: 35 pkgs. at Dallas, Tex.

SHIPPED: 1-18-61, from Baltimore, Md., by O. E. Wentworth & Co.

LABEL IN PART: (Pkg.) "Wentworth Three Dozen Quick Frozen Padded Oysters Ready to Cook * * * Triangle Brand * * * Net Weight 2 Lbs. 10 Oz. * * * Packed by O. E. Wentworth & Co. * * * Baltimore 30, Maryland."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-16-61, N. Dist. Tex.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents; and 403(i)(1)—the label failed to bear the common or usual name of the article, since "Padded Oysters" is not the common or usual name of breaded oysters.

DISPOSITION: 11-1-61. Default—delivered to a public institution.

FRUITS AND VEGETABLES**DRIED FRUIT**

27625. Raisins and evaporated apples. (F.D.C. No. 46084. S. Nos. 74-979/80 R.)

QUANTITY: 19 30-lb. ctns. of raisins and 17 25-lb. ctns. of evaporated apples, at Charlotte, N.C., in possession of Thomas & Howard Co.

SHIPPED: Between 9-29-60 and 2-9-61, from San Francisco, Calif.

LIBELED: 7-18-61, W. Dist. N.C.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 11-3-61. Default—destruction.

PRESERVES

27626. Raspberry preserves. (F.D.C. No. 46347. S. No. 27-007 T.)

QUANTITY: 135 cases, 12 jars each, at Omaha, Nebr.

SHIPPED: 6-5-61 and 7-28-61, from Fargo, N. Dak., by Paul Mark, Inc.

LABEL IN PART: (Jar) "PM Imperial Pure Seedless Black Raspberry Preserves Net Contents 2 Pounds Mfg. by Paul Mark, Inc. Fargo, North Dakota."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight and failed to meet the definition and standard of identity for black raspberry preserves in that the soluble solids content of the article was less than 68 percent.

LIBELED: 9-26-61, Dist. Nebr.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents; and 403(g)(1)—the article failed to conform to the definition and standard of identity for black raspberry preserves.

DISPOSITION: 10-27-61. Default—delivered to a nonprofit organization.

27627. Raspberry preserves. (F.D.C. No. 46348. S. No. 34-505 T.)

QUANTITY: 49 cases, 12 jars each, at Minneapolis, Minn.

SHIPPED: 7-28-61, from Fargo, N. Dak., by Paul Mark, Inc.

LABEL IN PART: (Jar) "PM Imperial Red Raspberry Preserves Net Contents 2 Pounds Mfg. by Paul Mark, Inc. Fargo, North Dakota."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 9-29-61, Dist. Minn.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 11-15-61. Default—delivered to charitable institutions.

VEGETABLES AND VEGETABLE PRODUCTS*

27628. Dried red beans. (F.D.C. No. 46149. S. No. 77-394 R.)

QUANTITY: 303 1-lb. bags and 46 2-lb. bags at San Francisco, Calif., in possession of Japan Food Corp.

SHIPPED: 4-30-61, from Yokohama, Japan.

LABEL IN PART: (Bag) "Maru Hokkai Azuki Extra Fancy * * * Product of Japan, Japan Food Corporation, San Francisco, Los Angeles."

*See also No. 27612.

RESULTS OF INVESTIGATION: The article was repacked by the dealer from bulk beans shipped as described above. Examination showed the article to be small dried dark red beans. The quantity of contents statements were obscured by beans in the background, and the name of the article did not appear on the label in the English language.

LIBELED: 8-2-61, N. Dist. Calif.

CHARGE: 403(f)—while held for sale, the information required to appear on the label under 403 (e) (2) and (i) (1), namely, the quantity of contents statement, and the common or usual name of the article, was not prominently placed thereon with such conspicuousness (as compared with other words and statements on the label) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 8-9-61. Consent—claimed by Japan Food Corp., and relabeled.

27629. Canned sauerkraut. (F.D.C. No. 46491. S. No. 30-111 T.)

QUANTITY: 383 cases, 6 6-lb. 3-oz. cans each, at Riverside, Calif.

SHIPPED: 7-19-61, from Ogden, Utah, by Storey Food Products.

LABEL IN PART: (Case) "Del Haven Sauerkraut" and (can) "Del Haven Sauerkraut * * * Packed for Federated Foods, Inc. Chicago, Ill., San Francisco, Calif."

LIBELED: 10-6-61, S. Dist. Calif.

CHARGE: 402(a) (3)—contained live maggots; and 402(a) (4)—prepared and packed under insanitary conditions.

DISPOSITION: 11-2-61. Default—destruction.

NUTS AND NUT PRODUCTS

27630. Shelled almonds. (F.D.C. No. 46285. S. No. 80-600 R.)

QUANTITY: 88 100-lb. bags at Malden, Mass.

SHIPPED: 10-17-56, from Sacramento, Calif.

LIBELED: 8-21-61, Dist. Mass.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 10-2-61. Default—destruction.

27631. Shelled peanuts. (F.D.C. No. 46143. S. No. 63-977 R.)

QUANTITY: 504 124-lb. bags at Nashville, Tenn.

SHIPPED: 7-5-61, from Macon, Ga.

RESULTS OF INVESTIGATION: Examination showed that the article had a foreign and offensive taste due to having been damaged by fire and smoke in fire in rail car while en route.

LIBELED: 7-26-61, M. Dist. Tenn.

CHARGE: 402(a) (3)—while in interstate commerce, the article was unfit for food because of having a foreign and offensive taste caused by fire and smoke.

DISPOSITION: 7-31-61. Consent—claimed by L & N Railroad, Nashville, Tenn., and sold for use as animal feed.

27632. Brazil nuts (2 seizure actions). (F.D.C. Nos. 45121, 45266. S. Nos. 1-326 R, 45-491 R.)

QUANTITY: 89 cases, 24 1-lb. pkgs. each, at Forest Park, Ga.

SHIPPED: 10-3-60 and 10-5-60, from Chico, Calif.

LIBELED: 11-28-60 and 12-2-60, N. Dist. Ga.

CHARGE: 402(a)(3)—contained insect-damaged, moldy, rancid, gummy, decomposed, shriveled nuts, and empty shells while held for sale.

DISPOSITION: 3-24-61. Consent—claimed by Continental Nut Co., Chico, Calif. Segregated; 72 lbs. destroyed.

27633. Lotus seeds. (F.D.C. No. 46492. S. No. 48-922 T.)

QUANTITY: 17 27½-lb. tins in 8 cases, at San Francisco, Calif.

SHIPPED: 7-17-61, from Bangkok, Thailand.

LIBELED: 10-6-61, N. Dist. Calif.

CHARGE: 402(a)(3)—contained insects, insect excreta, and insect-damaged seeds while held for sale.

DISPOSITION: 11-3-61. Default—destruction.

SPICES, FLAVORS, AND SEASONING MATERIALS

27634. Black pepper. (F.D.C. No. 46459. S. No. 4-281 T.)

QUANTITY: 46 cases, 24 shakers each, at Landover, Md.

SHIPPED: 9-1-61 and 9-5-61, from Silver Springs, N.Y., by Morton Salt Co.

LABEL IN PART: (Shaker) "Morton Pepper Table Shaker Net Wt. 1½ Ozs. Pure Black Pepper Medium Grind Morton Salt Company Chicago, Illinois."

RESULTS OF INVESTIGATION: Examination showed that the net weight statement was printed in very small blurred type making it difficult to read.

LIBELED: 9-20-61, Dist. Md.

CHARGE: 403(f)—when shipped, the information required to appear on the label under 403(e)(2), namely, an accurate statement of the quantity of contents, was not prominently placed thereon with such conspicuousness (as compared with other words and statements on the label) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 10-25-61. Default—delivered to charitable institutions.

27635. Black pepper. (F.D.C. No. 45542. S. Nos. 34-578/80 R., 34-590 R, 34-592 R.)

QUANTITY: 780 140-lb. bags at New York, N.Y., in possession of Ware-Pack, Inc.

SHIPPED: Between 12-20-58 and 3-9-60, from India.

LIBELED: 4-11-61, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-4-61. Consent—claimed by Norda Essential Oil & Chemical Co., Inc., New York, N.Y. Segregated; 53 bags destroyed.

27636. Black pepper. (F.D.C. No. 45542. S. No. 34-586 R.)

QUANTITY: 80 140-lb. bags at New York, N.Y., in possession of Ware-Pack, Inc.

SHIPPED: 8-30-60, from India.

LIBELED: 4-11-61, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-17-61. Consent—claimed by Fadiman Associates, Ltd., New York, N.Y. Segregated; 5 bags denatured.

27637. Black pepper. (F.D.C. No. 45542. S. Nos. 34-584 R, 34-588/9 R, 34-591 R, 34-595 R, 34-600 R.)

QUANTITY: 420 bags at New York, N.Y., in possession of Ware-Pack, Inc.

SHIPPED: 8-3-59 and 8-5-59, from Singapore, Malaya.

LIBELED: 4-12-61, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-8-61. Consent—claimed by East India Trading Co., Inc., New York, N.Y. Segregated; 80 bags destroyed.

27638. Black pepper, cassia, and thyme. (F.D.C. No. 45542. S. Nos. 34-583 R, 34-585 R, 34-587 R, 34-596 R, 34-599 R.)

QUANTITY: 19 125-lb. bundles, 80 120-lb. bags, and 75 140-lb. bags of cassia; 58 140-lb. bags of black pepper; and 33 107-lb. bags of thyme, at New York, N.Y., in possession of Ware-Pack, Inc.

SHIPPED: Between 12-29-58 and 2-12-60, from the Netherlands, India, France, and England.

LIBELED: On or about 4-11-61, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-5-61. Consent—claimed by Kellys America, Ltd., New York, N.Y. Segregated; 30 bags and 13 lbs. of cassia, 3 bags of black pepper, and 22 lbs. of thyme destroyed.

27639. Black pepper. (F.D.C. No. 46157. S. No. 46-340 R.)

QUANTITY: 15 cases, 6 bags each, each bag containing 24 boxes, at Columbus, Ga.

SHIPPED: 3-22-61, from Dallas, Tex., by U.S. Coffee & Tea Co.

LABEL IN PART: (Box) "1 Oz. Net Weight Perfection Brand Pure Black Pepper Packed by U.S. Coffee & Tea Co. Dallas, Texas."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-3-61, M. Dist. Ga.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 10-16-61. Default—delivered to a public institution.

27640. Black pepper. (F.D.C. No. 45543. S. Nos. 34-593/4 R.) **Amended Notice of Judgment on foods, No. 27446.** The previous Notice of Judgment failed to report that the article involved had been stored under insanitary conditions prior to receipt by the person who held possession at the time of seizure. For this reason the Notice of Judgment is amended to read as follows:

QUANTITY: 101 bags of peppercorns, and 27 drums of ground pepper, at Brooklyn, N.Y.

SHIPPED: 8-3-59, from Singapore, Malaya, and on unknown dates from unknown places outside the State of New York.

RESULTS OF INVESTIGATION: Investigation revealed that the article had been held under insanitary conditions in rodent-contaminated bags at the Ware-Pack, Inc., warehouse in New York, N.Y., prior to the delivery of the article to Brooklyn, N.Y., where the article was seized.

LIBELED: 4-12-61, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-11-61. Consent—claimed by East India Trading Co., Inc., New York, N.Y. Segregated; 1,857 lbs. denatured.

27641. Ginger. (F.D.C. No. 45542. S. No. 34-597 R.)

QUANTITY: 80 140-lb. bags at New York, N.Y., in possession of Ware-Pack, Inc.

SHIPPED: 2-27-60, from India.

LIBELED: 4-11-61, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-5-61. Consent—claimed by Karl H. Landes Co., Inc., New York, N.Y. Segregated; 1 bag denatured.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

27642. Pharma-Caps Prenatal capsules. (F.D.C. No. 46592. S. No. 64-795 R.)

QUANTITY: 1 10,000-capsule drum, and 35 100-capsule btls., at Oakland, Calif., in possession of Normal Pharmacal Co.

SHIPPED: 1-9-59, from Long Island City, N.Y., by Nysco Laboratories.

LABEL IN PART: (Drum) "20 M Capsules Lot No. 40139 Prenacap Capsules Each Capsule Contains * * * Folic acid 0.1 mgm. * * * The M.D.A.R. for the following vitamins has not been established: Niacinamide * * * Nysco Laboratories"; and (btl.) "Pharma-Caps Prenatal Each Capsule Contains: * * * Folic acid 0.1 mgm. * * * Normal Pharmacal Company—Oakland 7, Calif. Control No. 40139."

RESULTS OF INVESTIGATION: The article in the bottles was repacked by the dealer from the bulk stock shipped as described above.

LIBELED: 10-23-61, N. Dist. Calif.

CHARGE: 402(a)(2)(C)—when shipped and while held for sale, the article contained a food additive, namely, folic acid, which is unsafe within the meaning of 409 since it and its use or intended use were not in conformity with a regulation or exemption in effect pursuant to 409; and 403(j)—the article purported to be and was represented as a food for special dietary use by reason of its vitamin and mineral content, and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for (bulk) niacinamide and (repack) vitamin A, vitamin D, thiamine, riboflavin, niacinamide, ascorbic acid, calcium, iron, and iodine supplied by such food when consumed in a specified quantity during a period of one day.

DISPOSITION: 11-15-61. Default—destruction.

27643. Numanna Nutritional Supplement tablets. (F.D.C. No. 46603. S. No. 12-905 T.)

QUANTITY: 1 25,000-tablet drum of vitamin tablets; 1 25,000-tablet drum of mineral tablets; and 43 ctns., each containing 60 vitamin and 120 mineral tablets, at Woodstock, Ill., in possession of Associated Nutritional Laboratories.

SHIPPED: 3-11-61, from St. Louis, Mo.

LABEL IN PART: (Ctn.) "Numanna The Exclusive Nutritional Supplement Vitamins—Minerals—Proteins—Enzymes * * * Contents: 180 Tablets Therapeutic M 200 * * * contains the natural and organic nutritional factors found in Soya Embryo, Yeast and Lactalbumin. * * * fortified with vitamins, minerals, trace and minor elements from organic compounds, so as to make available more rapid results * * * Associated Nutritional Laboratories Woodstock, Illinois 3961140."

ACCOMPANYING LABELING: Leaflet in carton reading in part "Extra High Potency Numanna M 200 Therapeutic * * * This Is For You! If You're Over '40' If you are subjected to extraordinary physical or mental stress," and card in carton entitled "Numanna."

RESULTS OF INVESTIGATION: The articles were repacked into cartons by the dealer from the bulk stock shipped as described above.

LIBELED: On or about 10-27-61, N. Dist. Ill.

CHARGE: 403(a)—while held for sale, the labeling of the articles, namely, the repack carton label and carton inserts, contained false and misleading representations that the articles were of significant value for special dietary supplementation as a source of proteins and enzymes; that the articles contained vitamins P and H; that the articles were scientifically balanced the natural way; that the nutritional requirements of people over 40 years old are different from adults generally; that the articles had special effects in conditions of extraordinary physical and mental stress; and that the vitamins, minerals, trace and minor elements from organic compounds in the articles produced more rapid results of nutritional factors found in soya embryo, yeast, and lactalbumin concentrate in the articles.

DISPOSITION: 10-31-61. Consent—destruction.

27644. Rawleigh's vitamins and minerals. (F.D.C. No. 46102. S. Nos. 58-375/6 R.)

QUANTITY: 804 50-capsule btls. and 82 ctns., 6 60-tablet btls. each, at Freeport, Ill.

SHIPPED: The articles were shipped in bulk on 10-12-56 and 4-28-59, from Detroit, Mich., and Buffalo, N.Y.

LABEL IN PART: (Btl.) "50 Soluble Gelatin Capsules Rawleigh's Vitamins A-B₁-D-G * * * 1 Capsule Daily * * * Manufactured for The W. T. Rawleigh Co., Freeport, Ill. * * * Each Capsule Contains: * * * Vitamin D (synthetic) 500 U.S.P. Units * * * 85839" and "Rawleigh Multi Vitamins and 11 Minerals * * * 3133 * * * Manufactured for The Rawleigh Company, Freeport, Ill. * * * Ingredients in Each Tablet * * * Thiamine Hydrochloride U.S.P. 3 mg.* * * 1 Tablet Daily."

RESULTS OF INVESTIGATION: Examination showed that the articles contained (804 bottles) approximately 50 percent of the declared amount of vitamin D, and (82 cartons) approximately 83 percent of the declared amount of thiamine hydrochloride (vitamin B₁).

LIBELED: 7-25-61, N. Dist. Ill.

CHARGE: 402(b)(1)—while held for sale, the valuable constituents, namely, vitamin D (804 bottles), and thiamine hydrochloride (82 cartons), had been in part omitted or abstracted from the articles; 403(a)—the label statements (804 bottles) "Each Capsule Contains * * * Vitamin D (synthetic) 500 U.S.P. Units," and (82 cartons) "Ingredients in Each Tablet * * * Thiamine Hydrochloride U.S.P. 3 mg.," were false and misleading; 403(a)—the label statements (82 cartons) "Contains 14 vitamins," and "The need for Folic Acid * * * dl-Methionine * * * Copper * * * Potassium, Magnesium * * * and d-Alpha Tocopheryl Acetate in human nutrition has not been established," were false and misleading since they were contrary to fact; and 403(f)—the information required by 403(i)(2) to appear on the label, namely, ingredient statement (82 cartons), was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 8-25-61. (82 cartons) consent—claimed by W. T. Rawleigh Co., and relabeled; (804 bottles) default—destruction.

27645. Vibraline Food Supplement tablets. (F.D.C. No. 45788. S. No. 62-173 R.)

QUANTITY: 23 boxes, each containing 60 mineral and 60 vitamin tablets, at North Kansas City, Mo.

SHIPPED: Prior to 4-13-61, from Battle Creek, Mich., by Battle Creek Dietetic Co.

LABEL IN PART: (Box) "Vibraline Food Supplement * * * 30 Day Supply * * * Directions: Two Vitamin Tablets * * * Two Mineral Tablets * * * Daily * * * Supply * * * Boron (Sodium Borate) 0.3 mg. * * * Folic Acid 1.0 mg. * * * Battle Creek Dietetic Co., Dist., Battle Creek, Michigan."

LIBELED: 5-2-61, W. Dist. Mo.

CHARGE: 402(a)(2)(C)—when shipped, the article contained food additives, namely, boron and folic acid, which are unsafe within the meaning of 409, since they and their use, or intended use, were not in conformity with a regulation or exemption in effect pursuant to 409.

DISPOSITION: 9-29-61. Default—destruction.

27646. Yum Berry Milk Supplement. (F.D.C. No. 44229. S. Nos. 64-430 P, 90-989 P.)

QUANTITY: 200 cases, 12 12-oz. jars each, at Boston, Mass.

SHIPPED: 1-26-60, from Glenbrook, Conn., by Taylor-Reed Corp.

LABEL IN PART: (Jar) "Yum Berry Milk Supplement A New Fruit Flavored Syrup For Milk Drinks * * * Fortified with Vitamins B₁—B₂—D—Niacin * * * Made of cane sugar, corn syrup, true fruit flavors [less than 0.1% imitation] * * * The Taylor-Reed Corp., Glenbrook, Conn. Yum-Berry mixed as directed with 1 qt. whole milk provides."

LIBELED: 2-8-60, Dist. Mass.

CHARGE: 403(a)—when shipped, the label statements "Yum Berry Milk Supplement" and "Fruit Flavored Syrup" were false and misleading since the article did not contain milk, and contained imitation flavor; 403(a)—the label statements pertaining to the content of vitamins, minerals, and food ele-

ments contained in the article were misleading since they exaggerated the nutritive properties of the article; 403(f)—the net weight statement, the ingredients statement, and information pertaining to the special dietary properties of the article were not prominently placed on the label with such conspicuousness (as compared with other words, statements, and designs in the label) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; and 403(j)—the article purported to be and was represented as a food for special dietary use by reason of its vitamin and mineral content, and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for such vitamins and minerals supplied by the article when consumed in a specified quantity during the period of one day.

DISPOSITION: The Taylor-Reed Corp. having appeared as claimant, and the claimant and the Government having agreed to the removal of the case for trial to the S. Dist. N.Y., an order was entered on 4-27-60, directing that the case be so removed. On 9-14-61, the claimant having consented, judgment of condemnation was entered and the court ordered that the product be delivered to a charitable institution for its use and not for sale.

27647. Dulse leaves. (F.D.C. No. 46476. S. Nos. 73-310/11 R, 73-318/20 R.)

QUANTITY: 1 79-lb. ctn.; 20 1-lb. boxes; 11 5-lb. boxes; and 10 3-oz. boxes, at Los Angeles, Calif.

SHIPPED: Between 3-28-61 and 7-3-61, from New York, N.Y., by S. B. Penick & Co.

LABEL IN PART: (Ctn.) "Purple Nova Scotia Dulse * * * Seelect Dietary Products * * * S. B. Penick & Company * * * Jersey City, N.J."

RESULTS OF INVESTIGATION: The article was repacked into the boxes by the dealer from the bulk stock shipped as described above.

LIBELED: 10-3-61, S. Dist. Calif.

CHARGE: 402(a)(3)—contained small sea animals such as snails, crayfish, clams, and mollusks when shipped.

DISPOSITION: 10-27-61. Default—destruction.

27648. Vita Plus capsules. (F.D.C. No. 46352. S. No. 34-608 T.)

QUANTITY: 71 120-capsules btls., and 6 60-capsule btls., at Minneapolis, Minn.

SHIPPED: 12-8-59, from Oak Park, Mich., by Freshman Vitamin Co.

LABEL IN PART: (Btl.) "Cayol Vita Plus Vitamin and Mineral Food Supplement Natural and Organic Food Nutrients * * * Cayol Foods 812 La Salle Ave. Mpls. Minn. * * * Folic Acid 1 mg. per capsule * * * Directions: Two (2) capsules Daily * * * 58996."

LIBELED: 10-5-61, Dist. Minn.

CHARGE: 402(a)(2)(C)—while held for sale, the article contained a food additive, namely, folic acid, which is unsafe within the meaning of 409, since it and its use or intended use were not in conformity with a regulation or exemption in effect; and 403(a)—when shipped, the labeling of the article, namely, the bottle label, contained statements which represented and suggested that the article was of significant value for special dietary use by reason of the presence of 20 auxiliary and supporting factors to utilize better the vitamins and minerals of the article, such factors supplying less known.

unisolated dietary substances needed for higher nutrition, which statements were false and misleading since they were contrary to fact.

DISPOSITION: 11-17-61. Default—destruction.

27649. Calferamin capsules. (F.D.C. No. 46882. S. No. 14-201 T.)

QUANTITY: 160 100-capsule btls. at Milwaukee, Wis., in possession of Haug Drug Co.

SHIPPED: 8-3-61, from Chicago, Ill.

LABEL IN PART: (Btl.) "Haug's Calferamin Capsules Each Capsule Contains: * * * Thiamine HCl 2 mg. * * * Distributed by Haug Drug Co., Milwaukee, Wis. 8792."

RESULTS OF INVESTIGATION: Examination showed that the article contained approximately 77 percent of the declared amount of thiamine hydrochloride.

LIBELED: 1-5-62, E. Dist. Wis.

CHARGE: 402(b)(1)—while held for sale, a valuable constituent, thiamine hydrochloride, had been in part omitted or abstracted from the article; and 403(a)—the label statement "Each Capsule Contains: * * * Thiamine HCl 2 mg." was false and misleading.

DISPOSITION: 1-25-62. Default—destruction.

MISCELLANEOUS FOODS

27650. Gum tragacanth. (F.D.C. No. 45542. S. Nos. 33-539 R, 34-581 R, 34-598 R.)

QUANTITY: 121 bags, containing a total of 40,923 lbs., at New York, N.Y., in possession of Ware-Pack, Inc.

SHIPPED: Between 4-28-59 and 10-10-60, from Isfahan, Iran.

LIBELED: 4-12-61, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-17-61. Consent—claimed by Gill & Duffus, Inc., New York, N.Y. Segregated; 3 bags destroyed.

INDEX TO NOTICES OF JUDGMENT F.N.J. NOS. 27601 TO 27650

PRODUCTS

	N.J. No.		N.J. No.
Almonds, shelled-----	27630	Buttermilk biscuits-----	27604
Apples, evaporated-----	27625	Cake, butter-----	27603
Bakery products-----	27601-27604	Calferamin capsules-----	27649
Beans, Great Northern, dried--	27612	Candy. See Confectionery.	
kidney, dried-----	27612	Cassia -----	27638
pinto, dried-----	27612	Cereals and cereal products----	27601-
red, dried-----	27628		27612
Biscuits, buttermilk-----	27604	Cheese, swiss-----	27621
Brazil nuts-----	27632	Coconut Crispies-----	27602
Breading-----	27612	Coffeecake -----	27603
Butter-----	27618-27620	Confectionery-----	27613
cake-----	27603		

	N.J. No.		N.J. No.
Cookies -----	27601	Pharma-Caps Prenatal capsules_	27642
Dairy feed-----	27622	Pinto beans, dried-----	27612
products-----	27618-27621	Preserves, raspberry-----	27626, 27627
Dulse leaves-----	27647	Puffed wheat-----	27611
Feeds and grains-----	27622	Raisins -----	27625
Fish and shellfish-----	27623, 27624	Raspberry preserves-----	27626, 27627
Flavors. <i>See</i> Spices, flavors, and		Rawleigh's vitamins and miner-	
and seasoning materials.		als-----	27644
Flour-----	27605-27607	Rice-----	27608-27610
Frog legs, frozen-----	27623	Sauerkraut, canned-----	27629
Fruits and vegetables----	27625-27629	Spices, flavors, and seasoning	
fruit, dried-----	27625	materials-----	27634-27641
preserves-----	27626, 27627	Split peas, dried-----	27612
vegetables and vegetable prod-		Strawberry turnovers-----	27603
ucts-----	27628, 27629	Suckers, frozen-----	27614
Ginger-----	27641	Swiss cheese-----	27621
Great Northern beans dried----	27612	Thyme-----	27638
Gum tragacanth-----	27650	Topping, ice cream-----	27616, 27617
Honey -----	27615	Turnovers, strawberry-----	27603
Ice cream topping-----	27616, 27617	Vegetables. <i>See</i> Fruits and	
Kidney beans, dried-----	27612	vegetables.	
Lotus seeds-----	27633	Vibraline Food Supplement tab-	
Numanna Nutritional Supple-		lets-----	27645
ment tablets-----	27643	Vitamin, mineral, and other	
Nuts and nut products--	27630-27633	products of special dietary	
Oysters, breaded-----	27624	significance-----	27642-27649
Peanuts, shelled-----	27631	Vita Plus capsules-----	27648
Peas, split, dried-----	27612	Wheat, puffed-----	27611
Pepper, black-----	27634-27640	Yum Berry Milk Supplement----	27646

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N.J. No.		N.J. No.
Alexander Grocery Co., Inc.:		Cayol Foods:	
breeding, dried pinto beans,		Vita Plus capsules-----	27648
dried kidney beans, dried		Certified Grocers of Florida,	
Great Northern beans, and		Inc.:	
dried yellow split peas-----	27612	rice-----	27610
Associated Nutritional Labora-		Danish Bakers, Inc.:	
tories:		coffeecake, butter cake, and	
Numanna Nutritional Supple-		strawberry turnovers-----	27603
ment tablets-----	27643	Dixie Supply Co.:	
Battle Creek Dietetic Co.:		rice-----	27609
Vibraline Food Supplement		El Rancho Milling Co.:	
tablets -----	27645	dairy feed-----	27622
Bayside Suppliers, Ltd.:		Eventyr Isen:	
frozen frog legs-----	27623	coffeecake, butter cake, and	
Berkshire Foods, Inc.:		strawberry turnovers-----	27603
butter-----	27620	Federated Foods, Inc.:	
Bredan Creamery, Inc.:		canned sauerkraut-----	27629
butter-----	27618		

	N.J. No.		N.J. No.
Franwill, Inc.:		Penick, S. B., & Co.:	
frozen suckers-----	27614	dulce leaves-----	27647
Freshman Vitamin Co.:		Quaker Oats Co.:	
Vita Plus capsules-----	27648	puffed wheat-----	27611
Gotze: Reje-og Hummerindustri:		Ravenwood Coop. Creamery:	
coffeecake, butter cake, and		butter -----	27620
strawberry turnovers-----	27603	Rawleigh, W. T., Co.:	
Grand Union Co.:		Rawleigh's vitamins and min-	
swiss cheese-----	27621	erals -----	27644
Haug Drug Co.:		Refrigerated Dough Products,	
Calferamin capsules-----	27649	Inc.:	
International Fisheries Private,		buttermilk biscuits-----	27604
Ltd.;		Rodenberg's:	
frozen frog legs-----	27623	rice -----	27608
Japan Food Corp.:		Scan-Bakers A/S. See Eventyr	
dried red beans-----	27628	Isen.	
Loer Food Products Co.:		Seelect Dietary Products Co.,	
candy -----	27613	Inc.: dulce leaves-----	27647
Mark, Paul, Inc.:		Smith, A. R.:	
raspberry preserves----	27626, 27627	dairy feed-----	27622
McClintock, F. E.:		Storey Food Products:	
honey -----	27615	canned sauerkraut-----	27629
Megowen Educator Food Co.:		Taylor-Reed Corp.:	
Coconut Crispies-----	27602	Yum Berry Milk Supplement--	27646
cookies -----	27601	Thomas & Howard Co.:	
Morton Salt Co.:		raisins and evaporated	
black pepper-----	27634	apples -----	27625
New York Cheese Co.:		U. S. Coffee & Tea Co.:	
swiss cheese-----	27621	black pepper-----	27639
Normal Pharmacal Co.:		Ware-Pack, Inc.:	
Pharma-Caps Prenatal cap-		cassia -----	27638
sules -----	27642	black pepper-----	27635-27638
Nysco Laboratories:		gum tragacanth-----	27650
Pharma-Caps Prenatal cap-		ginger -----	27641
sules -----	27642	thyme -----	27638
O-So-Good Food Products Co.:		Wentworth, O. E., & Co.:	
ice cream topping-----	27616, 27617	breaded oysters-----	27624
		Young, G. C., Jr.:	
		butter -----	27618

U.S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

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NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

27651-27750

FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered after default or consent, or in one case after a consent decree of injunction, and (2) a criminal proceeding which was terminated upon a plea of nolo contendere. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceeding was against the *individuals* charged to be responsible for the violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., June 11, 1962.

CONTENTS

	Page		Page
Beverages and beverage materials.....	251	Fruits and vegetables.....	266
Cereals and cereal products.....	252	Canned fruit.....	266
Bakery products.....	252	Miscellaneous fruit products....	267
Flour.....	254	Preserves.....	268
Miscellaneous cereals and cereal products.....	257	Vegetables and vegetable products.....	269
Confectionery, sugar, and sirup....	260	Nuts and nut products.....	272
Sugar.....	263	Spices, flavors, and seasoning materials.....	275
Sirup.....	264	Vitamin, mineral, and other products of special dietary significance.....	278
Dairy products.....	264	Index.....	286
Butter.....	264		
Cheese.....	265		
Miscellaneous dairy products....	265		

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 27651-27750**

Adulteration, Section 402(a) (1), the article contained a poisonous or deleterious substance which might render it injurious to health; Section 402(a) (2) (B), the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a) (2) (C), the article contained a food additive which was unsafe within the meaning of Section 409; Section 402(a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth; Section 402(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b) (2), a substance had been substituted in whole or in part for the article; Section 402(b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength; Section 408(a), a poisonous or deleterious pesticide chemical, or a pesticide chemical which is not generally recognized, among qualified experts, as safe for use, added to a raw agricultural commodity, was deemed to be unsafe because no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare; and Section 409, a food additive was deemed to be unsafe because the food additive and its use or intended use failed to conform to the terms of an effective exemption or because there was not in effect, or the food additive and its use or intended use failed to be in conformity with, a regulation prescribing conditions for safe use.

Misbranding, Section 403(a), the labeling of the article was false and misleading; Section 403(c), the article was an imitation of another food, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; Section 403(e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents in terms of weight, measure, or numerical count; Section 403(f), a word, statement, or other information required by or under authority of the Act to appear on the label or labeling was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; Section 403(g), the article purported to be or was represented as a food for which a definition and standard of identity had been prescribed by regulations and (1) it failed to conform to such definition and standard and (2) its label failed to bear, as required by regulations, the common names of certain optional ingredients present in such food; Section 403(h), the article purported to be or was represented as (1) a food for which a standard of quality has been prescribed by regulations, and its quality fell below such standard or (2) a food for which a standard of fill of container had been prescribed by regulations and it fell below the applicable standard of fill of container; Section 403(i), the article was not subject to the provisions of Section 403(g) and (1) its label failed to bear the common or usual name of the article, and (2) the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; Section 403(j), the article purported to be and

was represented for special dietary uses, and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as the Secretary has determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses; and Section 403(k), the article contained an artificial flavoring, or artificial coloring and it failed to bear labeling stating that fact.

BEVERAGES AND BEVERAGE MATERIALS

27651. Fruit sirup concentrates. (F.D.C. No. 46205. S. Nos. 34-240 R, 83-620 R, 83-780 R.)

QUANTITY: 50 cases, 12 btls. each, of grape sirup concentrate; 36 cases, 12 btls. each, of papaya sirup concentrate; and 50 cases, 12 btls. each, of orange sirup concentrate, at Bayonne, N.J.

SHIPPED: Between 4-6-61 and 5-6-61, from New York, N.Y., by Three Vee Co.

LABEL IN PART: (Btl.) "Makes a Delicious Fruit Beverage With Added Vitamin C 3V [with "Three Vee" overprinted] * * * Syrup Concentrate (Natural) Grape '3V has that Fresh Fruit Taste and Aroma' Made from selected pure fruit concentrates, juices, * * * Directions * * * A List of Unexcelled 3V Products * * * Try Drinking Delicious 3V Papaya Daily For Better Digestion and Normal Regularity * * * Made by Three Vee Company—53 Mercer St.—New York 13, N.Y." [Net contents "4/5 Pint" embossed on surface of glass]; "Aids Digestion and Normal Regularity * * * Rich in Added Vitamin C 3V ["Three Vee" overprinted] * * * Papaya Syrup Concentrate . . . It's a Natural * * * Made from Tropical Tree Ripe Papaya Melons and Juice concentrates * * * Directions * * * When Juices Disagree Drink 3V for Better Digestion For More Vitamin C * * * Made by Three Vee Company * * * Knowledge of the beneficial health qualities of Papayas has been known for centuries. * * * 'The Golden Tree of Life' * * * Papayas contain more natural vitamins and minerals than any other fruit * * * Papayas are the only source of a digestant enzyme universally used by the medical profession for certain stomach and digestive tract disorders. * * * Papaya contains peculiar and valuable digestive properties which make it of great value in the diet. * * * Contents 4/5 Fl. Pts."; and "Makes a Delicious Fruit Beverage with Added Vitamin C 3V [with "Three Vee" overprinted] Syrup concentrate (Natural) Breakfast Orange '3V has that Fresh Fruit Taste and Aroma' Made from selected pure fruit concentrates, juices, natural flavors * * * Made by Three Vee Company, 165 Water St. New York 38, N.Y. * * * Try Drinking Delicious 3V Papaya Daily for Better Digestion and Normal Regularity. * * * No juice richer in Vitamin C. * * * Contents 4/5 Fl. Pts."

ACCOMPANYING LABELING: Each carton contained a leaflet entitled "Papaya The Fruit of the Angels," a mail order blank, and a reprint of a newspaper article by Clementine Paddleford entitled "Papaya Gains in Popularity As Concentrate."

RESULTS OF INVESTIGATION: Examination showed that the articles were short in volume.

LIBELED: 7-31-61, Dist. N.J.

CHARGE: 403(a)—when shipped, the label statements "Concentrate" and "Natural" and (grape and orange only) "Fresh Fruit" were false and misleading since they were contrary to fact; 403(e)(2)—the articles failed to bear a label containing an accurate statement of the quantity of contents;

403(i) (2)—the articles were fabricated from two or more ingredients and their labels failed to bear the common or usual name of each such ingredient since “fruit concentrates” and “juices” (grape and orange only) and “juices” (papaya) were not the common or usual name of such ingredients; 403(j)—the articles purported to be and were represented as foods for special dietary uses by reason of their vitamin C content, and their labels failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for vitamin C supplied by such food when consumed in a specified quantity during the period of one day; and 403(a)—the labeling of the articles contained false and misleading statements which represented and suggested that the articles (grape and orange) were adequate and effective to promote digestion and normal regularity; and (papaya) would produce health, promote digestion and normal regularity, long life, and strength, and that it was adequate as a treatment for and preventive of, stomach and digestive tract disorders.

DISPOSITION: 11-15-61. Default—delivered to charitable institutions.

27652. Beer. (F.D.C. No. 46610. S. No. 6-055 T.)

QUANTITY: 113 cases, 35 btl. each, at New Britain, Conn.

SHIPPED: 9-21-61, from Brooklyn, N.Y., by Piel Bros., Inc.

LABEL IN PART: (Case) “35—7 Oz. Bottles Piels Light Beer Brooklyn & Staten Island, N.Y.” and (btl.) “Piels Light Beer * * * Contents seven fluid ounces Piel Brothers, Staten Island, New York.”

RESULTS OF INVESTIGATION: Examination showed that the article was short in volume.

LIBELED: 11-15-61, Dist. Conn.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 2-20-62. Consent—delivered to a charitable institution.

27653. Tea. (F.D.C. No. 46607. S. No. 18-433 T.)

QUANTITY: 689 chests, containing a total of 71,440 lbs., at Dallas, Tex.

SHIPPED: Prior to 9-28-61, from India, Ceylon, and Africa.

LIBELED: 11-1-61, N. Dist. Tex.

CHARGE: 402(a) (3)—contained moldy, decomposed tea while held for sale.

DISPOSITION: 11-2-61. Consent—claimed by Underwriters Salvage Co. of New York, Dallas, Tex. Segregated; 10,100 lbs. destroyed.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

27654. Unbaked biscuits. (F.D.C. No. 46861. S. No. 15-582 T.)

QUANTITY: 190 cases, 24 8-oz. cans each, at Cincinnati, Ohio.

SHIPPED: 10-31-61, from Abilene, Tex., or Jeffersonville, Ind., by Mead's Frozen Foods, Inc.

LABEL IN PART: (Can) “Dixie's Pride Sweetmilk 10 Biscuits * * * Contain * * * Sweet Whey, Non-Fat Milk * * * Refrigerated Dough Products Inc. Jeffersonville, Ind.”

RESULTS OF INVESTIGATION: Examination showed that the article contained a food additive, namely, mineral oil.

LIBELED: 12-22-61, S. Dist. Ohio.

CHARGE: 402(a)(2)(C)—when shipped, the article contained a food additive, namely, mineral oil, which is unsafe within the meaning of 409, since it and its use or intended use were not in conformity with a regulation or exemption in effect; and 403(a)—the label statement "Sweetmilk" represented and suggested that the article contained milk, which statement was false and misleading as applied to an article containing whey and skim milk.

DISPOSITION: 1-5-62. Default—destruction.

27655. Bread. (F.D.C. No. 46158. S. No. 55-335 R.)

QUANTITY: 35 ctns., 6 loaves each, at Ketchikan, Alaska.

SHIPPED: 7-27-61, from Seattle, Wash., by Continental Baking Co.

LABEL IN PART: (Loaf) "Wonder Enriched Bread Made with Buttermilk Net Weight 1 lb. 6½ Oz."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-1-61, Dist. Alaska.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 11-28-61. Default—delivered to a charitable institution.

27656. Hush puppies. (F.D.C. No. 46855. S. No. 38-543 T.)

QUANTITY: 946 cases, 12 1-lb. bags each, at Montgomery, Ala.

SHIPPED: 11-4-61, from Thunderbolt, Ga., by Neptunalia Seafood Co., Inc.

LABEL IN PART: (Bag) "Gold King Ready to Eat Hush Puppies Southern style Fried Corn Bread * * * Packed by Neptunalia Seafood Company, Thunderbolt, Georgia."

LIBELED: 12-19-61, M. Dist. Ala.

CHARGE: 402(a)(3)—contained rodent hairs, insect parts, and flies; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 1-25-62. Default—destruction.

27657. Hush puppies. (F.D.C. No. 46856. S. No. 38-541 T.)

QUANTITY: 696 cases, 12 1-lb. bags each, at Birmingham, Ala.

SHIPPED: 11-4-61, from Thunderbolt, Ga., by Neptunalia Seafood Co., Inc.

LABEL IN PART: (Bag) "Gold King Ready to Eat Hush Puppies Southern Style Fried Corn Bread * * * Packed by Neptunalia Seafood Company, Thunderbolt, Georgia."

LIBELED: 12-19-61, N. Dist. Ala.

CHARGE: 402(a)(3)—contained rodent hairs and insect parts; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 1-19-62. Default—destruction.

27658. Square-C cookies and Malt-Toast cookies. (F.D.C. No. 46405. S. Nos. 79-919/20 R.)

QUANTITY: 118 cases, 30 1-oz. pkgs. each, of Square-C cookies; and 48 cases, 30 ⅞-oz. pkgs. each, of Malt-Toast cookies, at South Charleston, W. Va.

SHIPPED: 8-14-61, from Raleigh, N.C., by Taylor Biscuit Co.

LABEL IN PART: (Pkg.) "Taylor Biscuit Co. Square-C [or "Malt-Toast"] * * * Raleigh, N.C."

LIBELED: 8-24-61, S. Dist. W. Va.

CHARGE: 403(f)—when shipped, the information required by 403 (e) (2) and (i) (2) to appear on the label, namely, quantity of contents and ingredient statements, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 9-14-61. Default—delivered to charitable institutions.

FLOUR

27659. Flour. (F.D.C. No. 46306. S. Nos. 82-455/6 R.)

QUANTITY: 24 100-lb. bags at Dallas, Tex.

SHIPPED: 2-15-61 and 7-17-61, from St. Louis, Mo., and Alton, Ill.

LIBELED: 9-1-61, N. Dist. Tex.

CHARGE: 402(a) (3)—contained insects, insect fragments, and insect larvae while held for sale.

DISPOSITION: 11-15-61. Default—delivered to a public institution for use as animal feed.

27660. Flour. (F.D.C. No. 46611. S. Nos. 47-962/6 T, 47-968/9 T.)

QUANTITY: 837 25-lb. bags, at Hope, Ark., in possession of Stephens Grocer Co.

SHIPPED: Between 6-27-61 and 9-15-61, from Whitewater, Kans., Wichita Falls and Greenville, Tex., and St. Joseph, Mo.

LIBELED: 10-27-61, W. Dist. Ark.

CHARGE: 402(a) (3)—contained bird excreta, insects, insect fragments, insect excreta, and insect eggs; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 11-20-61. Default—delivered to a charitable institution for use as animal feed.

27661. Flour. (F.D.C. No. 46734. S. Nos. 2-611/3 T.)

QUANTITY: 468 25-lb. bags, at Atlanta, Ga., in possession of Alterman Foods, Inc.

SHIPPED: Between 9-15-61 and 10-6-61, from Louisville, Ky., and Knoxville, Tenn.

LIBELED: On or about 11-21-61, N. Dist. Ga.

CHARGE: 402(a) (3)—contained insects, insect fragments, insect larvae, and rodent urine; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 12-1-61. Consent—destruction.

27662. Flour. (F.D.C. No. 46625. S. Nos. 1-310/12 T.)

QUANTITY: 108 25-lb. bags; 227 25-lb. bags; and 91 bales, 5 10-lb. bags each, at Orlando, Fla., in possession of Chitty & Co.

SHIPPED: Between 6-30-61 and 8-11-61, from Minneapolis, Minn., and Chattanooga, Tenn.

LIBELED: 11-9-61, S. Dist. Fla.

CHARGE: 402(a)(3)—contained insects and (227-bag lot) rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 12-12-61. Default—destruction.

27663. Flour. (F.D.C. No. 46638. S. No. 39-569 T.)

QUANTITY: 204 100-lb. bags at San Juan, P.R.

SHIPPED: 10-3-61, from New York, N.Y.

LIBELED: 11-14-61, Dist. P.R.

CHARGE: 402(a)(3)—contained insects and insect larvae while held for sale.

DISPOSITION: 12-19-61. Consent—claimed by Mendez Martinez & Co. Inc., San Juan, P.R., and converted into animal feed.

27664. Flour. (F.D.C. No. 46555. S. Nos. 45-566 T, 45-568 T.)

QUANTITY: 253 25-lb. bags and 72 50-lb. bags at Memphis, Tenn., in possession of Clayton Brown Co., Inc.

SHIPPED: Between 9-23-61 and 10-16-61, from St. Joseph, Mo.

LIBELED: 11-30-61, W. Dist. Tenn.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 1-2-62. Default—delivered to a public institution for use as animal feed.

27665. Flour. (F.D.C. No. 46829. S. Nos. 50-915/7 T.)

QUANTITY: 31 100-lb. bags at San Francisco, Calif., in possession of Eastern Bakery.

SHIPPED: Between 8-10-61 and 10-4-61, from Portland, Oreg.

LIBELED: 12-1-61, N. Dist. Calif.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 1-5-62. Default—destruction.

27666. Flour. (F.D.C. No. 46732. S. No. 1-315 T.)

QUANTITY: 59 25-lb. bags at Sanford, Fla., in possession of Central Florida Foods, Inc.

SHIPPED: 7-26-61 and 9-15-61, from Minneapolis, Minn.

LIBELED: 12-1-61, S. Dist. Fla.

CHARGE: 402(a)(3)—contained insects, insect larvae, insect pupae, and insect parts; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 1-12-62. Default—destruction.

27667. Flour. (F.D.C. No. 46620. S. No. 39-567 T.)

QUANTITY: 50 100-lb. bags at San Juan, P.R.

SHIPPED: 9-25-61, from New York, N.Y.

LIBELED: 11-7-61, Dist. P.R.

CHARGE: 402(a)(3)—contained insects and insect larvae while held for sale.

DISPOSITION: 1-15-62. Consent—claimed by General Mills, Inc., and released under bond for conversion into an insecticide product.

27668. Flour. (F.D.C. No. 46902. S. Nos. 509 T, 2-726 T.)

QUANTITY: 382 10-lb. bags, 63 25-lb. bags, and 3 50-lb. bags at Atlanta, Ga., in possession of Atlanta Milling Co.

SHIPPED: 11-21-61, from Cleveland, Tenn.

RESULTS OF INVESTIGATION: The article was shipped in 100-lb. bulk bags and repacked by the dealer.

LIBELED: 1-5-62, N. Dist. Ga.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—prepared and packed under insanitary conditions while held for sale.

DISPOSITION: 2-14-62. Default—destruction.

27669. Flour. (F.D.C. No. 46883. S. No. 54-087 T.)

QUANTITY: 43 100-lb. bags at Norway, Mich.

SHIPPED: 11-22-61, from Minneapolis, Minn.

LIBELED: 1-8-62, W. Dist. Mich.

CHARGE: 402(a)(3)—contained rodent urine while held for sale.

DISPOSITION: 2-16-62. Default—delivered to a public institution for use as animal feed.

27670. Flour. (F.D.C. No. 46742. S. Nos. 42-781/94 T.)

QUANTITY: 28 bales, 5 10-lb. bags each, 11 bales, 2 25-lb. bags each, 67 bales, 10 5-lb. bags each, 34 bales, 12 2-lb. bags each, 4 100-lb. bags, and 7 50-lb. bags, at Bethlehem, Pa., in possession of National Wholesale Grocery Co.

SHIPPED: Prior to 10-17-61, from Minneapolis, Minn., and Kansas City, Mo.

LIBELED: 11-24-61, E. Dist. Pa.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 2-28-62. Default—destruction.

27671. Flour. (F.D.C. No. 46965. S. Nos. 38-622/3 T.)

QUANTITY: 32 100-lb. bags and 92 25-lb. bags at Gulfport, Miss., in possession of H. T. Cottam Co.

SHIPPED: 9-1-61, from Fort Worth, Tex.

LIBELED: 2-9-62, S. Dist. Miss.

CHARGE: 402(a)(3)—contained rodent urine and (92-bag lot) rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 3-2-62. Default—destruction.

27672. Flour and cornmeal. (F.D.C. No. 46571. S. Nos. 47-392/5 T.)

QUANTITY: 145 25-lb. bags and 77 25-lb. bags of flour; and 22 bales, 10 5-lb. bags each of cornmeal, at Pocahontas, Ark., in possession of L. K. Ashcraft Co.

SHIPPED: Between 1-25-60 and 12-5-60, from Jackson and Memphis, Tenn.

LIBELED: 10-13-61, E. Dist. Ark.

CHARGE: 402(a)(3)—contained insects, insect larvae, and insect fragments, and (145-bag lot of flour) rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 11-16-61. Default—delivered to a public institution for use as animal feed.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

27673. Unpopped popcorn. (F.D.C. No. 46353. S. No. 25-476 T.)

QUANTITY: 49 cases of 18 pkgs. each, and 1 part case of 12 pkgs., each pkg. containing 2 bags and 1 bag attached to the outside of the pkg. and inserted into a cardboard sleeve, at Detroit, Mich.

SHIPPED: 10-2-61, from Bremen, Ind., by TV Time Foods, Inc.

LABEL IN PART: (Bag) "TV Time Hull-less Pop Corn With Popping Oil Everything's in the Package Ready to Pop Makes 3 Quarts * * * TV Time Foods, Bremen, Ind." and (cardboard sleeve) "Introductory Offer This Package Free with Purchase of Attached Twin Pak."

RESULTS OF INVESTIGATION: Examination showed that each bag was divided into two compartments, one containing unpopped popcorn and one containing a yellow, semi-solid substance having a creamy consistency. The net contents statements were not visible on the bags or package, being blocked from view by the bag attached to the outside of the package and cardboard sleeve on the third bag.

LIBELED: 10-6-61, E. Dist. Mich.

CHARGE: 403(a)—when shipped, the label of the article bore false and misleading statements which represented and suggested that the article was unusually nutritious and supplied an unusually large amount of protein in a quantity which was low in calories, and that the article was adequate and effective to promote body building; and 403(f)—the information required by 403(e)(2) to appear on the label, namely, an accurate statement of the quantity of contents, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 2-28-62. Consent—delivered to a charitable institution.

27674. Unpopped popcorn. (F.D.C. No. 46270. S. Nos. 61-241/2 R.)

QUANTITY: 9 100-lb. bags of white popcorn; 24 100-lb. bags of yellow popcorn; 15 cases, 12 16-oz. pkgs. each; 49 cases, 12 32-oz. pkgs. each; and 14 cases, 6 4-lb. pkgs. each, at Seattle, Wash., in possession of Hullin Terminal Warehouse.

SHIPPED: Between 4-27-59 and 10-29-59, from Council Bluffs, Iowa.

LIBELED: 8-22-61, W. Dist. Wash.

CHARGE: 402(a)(3)—contained insects, insect larvae, insect excreta, and webbing; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 1-16-62. Default—destruction.

27675. Rice. (F.D.C. No. 46593. S. Nos. 47-323/4 T.)

QUANTITY: 44 cases, 24 2-lb. ctns. each, of white rice; and 17 cases, 20 12-oz. ctns. each, of brown rice, at Hazelwood, Mo.

SHIPPED: 8-30-61 and 9-7-61, from Memphis, Tenn., by River Brand Rice Mills, Inc.

LABEL IN PART: (Ctn.) "River Brand Fluffy White Rice * * * Packers: River Brand Rice Mills, Inc. New York—Houston—Memphis"; and (ctn.) "River Brand Natural Brown Rice * * * Packers: River Brand Rice Mills, Inc. New York—Houston—Memphis."

LIBELED: 10-24-61, E. Dist. Mo.

CHARGE: 402(a)(3)—contained insects and insect excreta; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 11-29-61. Default—delivered to a public institution for use as animal feed.

27676. Puffed rice and puffed wheat. (F.D.C. No. 46795. S. Nos. 51-399/408 T, 52-518/9 T.)

QUANTITY: 103 cases, 24 6-oz. pkgs. each, and 88 cases, 12 1-lb. pkgs. each, of puffed wheat; and 117 cases, 24 6-oz. pkgs. each, of puffed rice, at Bellevue, Wash.

SHIPPED: Between 9-7-61 and 11-7-61, from Stockton, Calif., by Poph-Itt Cereals, Inc.

LABEL IN PART: (Pkg.) "Toasted Whiffs Rice Puffs [or "Wheat Puffs"] * * * Poph-Itt Cereals, Inc. Stockton, Calif.—Minneapolis, Minn.—St. Louis, Mo."

RESULTS OF INVESTIGATION: Examination showed that the articles contained lead.

LIBELED: On or about 12-21-61, W. Dist. Wash.

CHARGE: 402(a)(2)(C)—when shipped, the articles contained a food additive, namely, lead, which is unsafe within the meaning of 409, since it and its use or intended use were not in conformity with a regulation or exemption in effect.

DISPOSITION: 2-12-62. Default—destruction.

27677. Puffed rice and puffed wheat. (F.D.C. No. 46796. S. Nos. 52-521/6 T, 52-591/2 T.)

QUANTITY: 219 cases, 24 6-oz. pkgs. each, and 14 cases, 12 16-oz. pkgs. each, of puffed rice; and 31 cases, 24 6-oz. pkgs. each, 54 cases, 12 16-oz. pkgs. each, and 46 cases, 24 6-oz. pkgs. each, of puffed wheat, at Seattle, Wash.

SHIPPED: Between 9-29-61 and 11-10-61, from Stockton, Calif., by Poph-Itt Cereals, Inc.

LABEL IN PART: (Pkg.) "Shurfine Rice Tempties [or "Wheat Tempties"] National Retailer-Owned Grocers, Inc. Distributors—General Offices—Chicago, Ill." and (46-case lot) "Shur-fresh Wheat Tempties Packed For Associated Grocers, Inc., Seattle."

RESULTS OF INVESTIGATION: Examination showed that the articles contained lead.

LIBELED: On or about 12-21-61, W. Dist. Wash.

CHARGE: 402(a)(2)(C)—when shipped, the articles contained a food additive, namely, lead, which is unsafe within the meaning of 409 since it and its use or intended use were not in conformity with a regulation or exemption in effect.

DISPOSITION: 2-5-62. Default—destruction.

27678. Rice. (F.D.C. No. 46841. S. Nos. 38-417/8 T.)

QUANTITY: 2,400 100-lb. bags at Mobile, Ala.

SHIPPED: 11-8-61 and 11-15-61, from Gueydan, La., by Republic Rice Mill, Inc.

LABEL IN PART: (Bag) "Vitamin and Mineral Fortified Rice * * * Packed by Republic Rice Mill, Inc. Gueydan, La."

LIBELED: 12-12-61, S. Dist. Ala.

CHARGE: 402(a)(3)—contained insect larvae; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 1-26-62. Consent—claimed by Republic Rice Mill, Inc. Segregated; 180 lbs. destroyed.

27679. Rice. (F.D.C. No. 46920. S. No. 54-517 T.)

QUANTITY: 20 100-lb. bags at Columbia, S.C., in possession of Simmons & Clary.

SHIPPED: 10-20-61, from Memphis, Tenn.

LIBELED: 1-17-62, E. Dist. S.C.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 2-27-62. Default—destruction.

27680. Rice. (F.D.C. No. 46931. S. Nos. 42-836/7 T.)

QUANTITY: 24 100-lb. bags and 51 100-lb. bags at Camden, N.J., in possession of Leon Torres.

SHIPPED: 11-8-61 and 12-19-61, from Philadelphia, Pa.

LIBELED: 1-24-62, Dist. N.J.

CHARGE: 402(a)(3)—(51-bag lot) contained rodent urine and rodent excreta pellets; and 402(a)(4)—(all lots) held under insanitary conditions.

DISPOSITION: 3-2-62. Default—destruction.

27681. Wheat. (F.D.C. No. 46880. S. No. 33-065 T.)

QUANTITY: 90,000 lbs. at Minneapolis, Minn.

SHIPPED: 12-13-61, from Maddock, N. Dak., by Maddock Farmers Grain Co.

LIBELED: 1-5-62, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 1-10-62. Consent—claimed by Maddock Farmers Grain Co., and denatured for use as animal feed.

27682. Wheat. (F.D.C. No. 46881. S. No. 33-118 T.)

QUANTITY: 123,420 lbs. at Minneapolis, Minn.

SHIPPED: 12-21-61, from Andover, S. Dak., by George C. Bagley Elevator Co.

LIBELED: 1-5-62, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 1-15-62. Consent—claimed by George C. Bagley Elevator Co., and denatured for use as animal feed.

27683. Wheat. (F.D.C. No. 46822. S. No. 52-629 T.)

QUANTITY: 55,700 lbs. at Spokane, Wash.

SHIPPED: 11-17-61, from Sun River, Mont., by Harry Weigand.

LIBELED: 11-30-61, E. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 1-25-62. Consent—claimed by Harry Weigand, and denatured for use as animal feed.

CONFECTIONERY, SUGAR, AND SIRUP

27684. Butter Brickle candy. (F.D.C. No. 46486. S. No. 34-313 T.)

QUANTITY: 34 cases, each containing 24 pkgs. of 6 individually wrapped candy bars each, at Hopkins, Minn.

SHIPPED: 8-3-61, from Sioux Falls, S. Dak., by Fenn Bros., Inc.

LABEL IN PART: (Pkg.) "6 Fenn's Butter Brickle Candy Bars Milk Chocolate Covered English Toffee with Roasted Almonds * * * Mfg. by Fenn Bros., Inc. Sioux Falls, S. Dak." and (candy bar) "Fenn's Butter Brickle English Toffee Chocolate Covered * * * Ingredients * * * Pure Vanilla Reinforced with vanillin Net Wt. $\frac{5}{8}$ Oz. Mfd. by Fenn Bros., Inc., Sioux Falls, S.D."

RESULTS OF INVESTIGATION: Examination showed that the quantity of contents and ingredients statements were printed on the back of individual candy bar labels, which bars were packed face up in an open front package of 6 bars which was wrapped and sealed in cellophane so that it could not be opened at the time of purchase, and the mandatory information was not visible because of the opaque back of the package.

LIBELED: 10-19-61, Dist. Minn.

CHARGE: 403(f)—when shipped, the information required by 403 (e) (2) and (i) (2) to appear on the label, namely, quantity of contents and ingredient statements, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use; and 403(k)—the article contained an artificial flavoring and it failed to bear labeling stating that fact.

DISPOSITION: 12-1-61. Default—delivered to charitable institutions.

27685. Candy. (F.D.C. No. 46988. S. No. 32-213 T.)

QUANTITY: 52 cases, 24 unlabeled jars each, at Los Angeles, Calif.

SHIPPED: 10-26-61, from Jeannette, Pa., by J. C. Crosetti Co.

LABEL IN PART: (Case) "2 Dozen #65 Old Fashion Candy Jar Candy Filled."

LIBELED: 1-22-62, S. Dist. Calif.

CHARGE: 403(e)—when shipped, the article failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor and (2) an accurate statement of the quantity of contents; 403(i) (1)—the article failed to bear a label containing the common or usual name of the food; and 403(i) (2)—the article failed to bear a label containing the common or usual name of each ingredient.

DISPOSITION: 3-2-62. Default—delivered to charitable institutions.

27686. Candy. (F.D.C. No. 46606. S. Nos. 42-096/7 T.)

QUANTITY: 92 cases, 16 ctns. of 24 pkgs. each, and 563 cases, 100 pkgs. each, at Philadelphia, Pa.

SHIPPED: 6-29-61 and 8-11-61, from Ponce, P.R., by Howard B. Stark Co.

LABEL IN PART: (Pkg.) "Stark Assorted Candy Wafers * * * Net Wt. $1\frac{5}{8}$ Oz. Howard B. Stark Co., Milwaukee, Wisc. and Ponce, Puerto Rico."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 10-30-61, E. Dist. Pa.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 11-20-61. Consent—claimed by Howard B. Stark Co., Pewaukee, Wis., and released under bond for relabeling.

27687. Candy. (F.D.C. No. 46977. S. No. 30-365 T.)

QUANTITY: 49 cases, 24 bags each, at Culver City, Calif.

SHIPPED: 12-7-61, from Weehawken, N.J., by Sweets Co. of America, Inc.

LABEL IN PART: (Bag) "Rockwood Rocklets Coconut Net Weight 4 Ozs. Milk Chocolate * * * Manufactured by Rockwood & Co., Brooklyn 5, N.Y." and (case) "24 Count Cello Bags Milk Chocolate Coconut Rocklets * * * Rockwood Chocolate Co., Inc. * * * 265."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 1-9-62, S. Dist. Calif.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 1-31-62. Default—delivered to a charitable institution.

27688. Raspberry laces (candy), glace cherries, chili peppers, chili powder, and herbs. (F.D.C. No. 46946. S. Nos. 49-175/6 T, 49-179 T, 49-505/6 T.)

QUANTITY: 408 bags of raspberry laces; 324 bags of cherries; 4,492 bags of chili peppers; 1,776 bags of chili powder; and 1,404 bags of herbs, at San Francisco, Calif., in possession of Desert Sun Co.

SHIPPED: Between 12-23-60 and 11-3-61, and on unknown dates, from New York, N.Y., Forest Grove, Oreg., and outside the United States.

LABEL IN PART: (Bag) "Peter Pan Brand Raspberry Laces * * * Net Wt. 4½ Oz. Packed by Desert Sun Co. San Francisco, Calif.;" "Desert Sun Glacé Cherries * * * Packed by Desert Sun Co. * * * Net Wt. 2½ Oz.;" "Desert Sun Chili Peppers * * * Net Wt. ½ Oz. Packed by Desert Sun Co.;" "Desert Sun Chili Powder * * * Packed by Desert Sun Co.;" and "Desert Sun Italian Herbs * * * Packed by Desert Sun Co."

RESULTS OF INVESTIGATION: The articles were repacked into bags by the dealer from bulk lots shipped as described above. The articles were contained in clear plastic bags and the information required to appear on the labels was inconspicuous due to being printed in small type, in ink of a color which did not contrast with the product in the background. Examination showed that the chili peppers contained insects.

LIBELED: 1-31-62, N. Dist. Calif.

CHARGE: 402(a)(3)—while held for sale, the article (chili peppers) contained insects; 403(f)—the information required to appear on the label under 403(e)(2), (i)(2) (all lots except chili peppers), and 403(k) (raspberry laces), namely, an accurate statement of the quantity of contents, the common or usual name of each ingredient, and the declaration of artificial flavorings and color, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use; and 403(a)—the name "raspberry laces" was misleading as applied to a product containing artificial raspberry flavor and color.

DISPOSITION: 3-2-62. Default—the chili peppers were destroyed; the other articles were delivered to a charitable organization.

27689. Chocolate-covered peanuts. (F.D.C. No. 46233. S. No. 61-307 R, 61-477 R.)

QUANTITY: 107 cases, 12 bags each, at Bellevue, Wash.

SHIPPED: 7-6-61 and 8-1-61, from San Jose, Calif., by Safeway Stores, Inc.

LABEL IN PART: (Bag) "Roxbury Chocolate Peanuts Ingredients: Milk Chocolate with added emulsifier, Peanuts, Sugar, Cocoa, Corn Syrup, Salt Distributed by Safeway Stores, Incorporated—Head Office, Oakland, California Net Wt. 8 Oz."

RESULTS OF INVESTIGATION: Examination showed the article to be peanuts with a chocolate-flavored coating. Mandatory information was printed on the label in small, brown-colored letters and was inconspicuous because of peanuts in the background.

LIBELED: 8-8-61, W. Dist. Wash.; amended libel 8-10-61.

CHARGE: 403(a)—when shipped, the label statement "Chocolate Peanuts" was false and misleading as applied to the article which was coated with a mixture composed of milk chocolate and cocoa; and 403(f)—the information required by 403 (e) and (i) (2) to appear on the label, namely, the name and place of business of the manufacturer, packer, or distributor, the quantity of contents and ingredient statements, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 2-12-62. Default—delivered to a public institution for use as animal feed.

27690. Chocolate-covered mint patties. (F.D.C. No. 46813. S. No. 14-347 T.)

QUANTITY: 56 cases, each containing 12 display ctns., each ctn. containing 120 individually wrapped pieces of candy, at Forest Park, Ill.

SHIPPED: 11-21-61, from St. Paul, Minn., by Pearson Candy Co.

LABEL IN PART: (Candy) "Pearson's Chocolate Covered Mint Ingredients * * * Pearson Candy Company St. Paul, Minnesota."

RESULTS OF INVESTIGATION: Examination showed that the statement of ingredients on the display carton did not agree with the statement on the individual candy wrapper; that each piece of candy was individually wrapped in silver foil paper and the manufacturer's name and address and the ingredients statements were difficult to read due to being printed in small type in green ink on the highly reflective silver-colored wrapper, so as to be inconspicuous; also such information was partially hidden due to folding over corners of the square wrapper to cover a round piece of candy.

LIBELED: 1-3-62, N. Dist. Ill.

CHARGE: 403(f)—when shipped, the information required by 403 (e) (1) and (i) (2) to appear on the label, namely, the name and place of business of the manufacturer, packer, or distributor, and the common or usual name of each ingredient, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use; and 403(i) (2)—the article

was fabricated from two or more ingredients, and its label failed to bear an accurate statement of the common or usual name of each such ingredient.
DISPOSITION: 1-26-62. Consent—claimed by Pearson Candy Co., and released under bond for relabeling.

27691. Chocolate bridge mix (candy). (F.D.C. No. 47011. S. No. 34-559 T.)

QUANTITY: 83 cases, 24 bags each, at Hopkins, Minn.

SHIPPED: 11-6-61, from Chicago, Ill., by Wolch Nut & Candy Co.

LABEL IN PART: (Bag) "Wolch's Chocolate Bridge Mix One Pound * * *
Ingredients: * * * Wolch Nut & Candy Co., Chicago, Ill."

RESULTS OF INVESTIGATION: Examination showed that the article was chocolate-covered pieces of candy in various shapes and sizes contained in a clear plastic bag. The mandatory information was printed on the bag in brown colored ink and was inconspicuous due to the brown candy in the background.

LIBELED: 2-2-62, Dist. Minn.

CHARGE: 403(f)—when shipped, the information required by 403 (e)(1), (e)(2), (i)(2), and (k) to appear on the label, namely, the manufacturer's name and place of business, the quantity of contents statement, the common or usual name of each ingredient, and the declaration of artificial color and flavor, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 3-6-62. Consent—claimed by Wolch Nut & Candy Co., and released under bond for relabeling.

27692. Frozen suckers. (F.D.C. No. 46998. S. No. 9-485 T.)

QUANTITY: 800 cases of 24 ctns., each ctn. containing 8 bags, at Pittsburgh, Pa.

SHIPPED: 7-13-60, from Indianapolis, Ind., by Franwill, Inc.

LABEL IN PART: (Ctn.) "8 Pick-A-Pop Freeze 'Em in the Bag * * * No Stick No Mess * * * Distributed by Franwill, Inc. 621 E. Vermont, Indianapolis, Ind. Net Wt. 1½ Oz. each."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 1-29-62, W. Dist. Pa.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 3-2-62. Default—destruction.

SUGAR

27693. Sugar. (F.D.C. No. 45099. S. Nos. 4-828/34 R, 5-114/20 R.)

QUANTITY: 7,188 bags, each containing from 73 to 108 lbs., at Richmond, Va., in possession of Richmond Waterfront Terminals, Inc.

SHIPPED: During 1959 and 1960, from outside the United States.

LIBELED: 11-18-60, E. Dist. Va.; amendeded libel 11-28-60.

CHARGE: 402(a)(3)—contained vegetable fibers, mineral particles, insect fragments and insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: On 12-14-60, Olivarria & Co., Inc., New York, N.Y., claimant, having consented to the entry of a decree of permanent injunction, a decree was entered perpetually enjoining and restraining the claimant from introducing into interstate commerce any of the seized article for human use. The decree also provided that the article was to be segregated and that the unfit portion was to be brought into compliance with the law under the supervision of the Department of Health, Education, and Welfare. The article was subsequently re-refined and thereby brought into compliance with the law. Thereafter, on 4-14-61, a supplemental decree was entered condemning the article and ordering that the article be released to the claimant for sale or other disposition in conformity with the law.

SIRUP

27694. Sorghum sirup. (F.D.C. No. 46141. S. No. 87-959 R.)

QUANTITY: 78 cases, 12 2-lb. jars each, at Kansas City, Mo.

SHIPPED: 3-28-61 and 4-19-61, from Cedar Rapids, Iowa, by Waconia Sorghum Co.

LABEL IN PART: (Jar) "Waconia * * * Highest Grade Pure Sorghum * * * Waconia Sorghum Co. P.O. Box 1711 Cedar Rapids, Ia. * * * Made from Sorghum Cane Juice Processed with Invertase and Malt Diastase."

LIBELED: 7-27-61, W. Dist. Mo.

CHARGE: 403(f)—when shipped, the information required by 403 (e) and (i) (2) to appear on the label, namely, the quantity of contents, firm's address, and ingredients statement, was not placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 12-6-61. Default—delivered to public institutions.

DAIRY PRODUCTS

BUTTER

27695. Butter. (F.D.C. No. 43768. S. Nos. 91-353/4 R, 39-770/1 T, 39-763/4 T.)

QUANTITY: 502 64-lb. ctns. at Bronx, N.Y.

SHIPPED: 5-30-61 and 6-15-61, from Milton, Vt., by Milton Cooperative Dairy Corp.

LABEL IN PART: "Milton Coop Dairy Corp., Milton, Vermont * * * creamery butter Keep refrigerated."

LIBELED: 9-26-61, S. Dist. N.Y.

CHARGE: 402(b) (2)—when shipped, a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: 11-8-61. Consent—claimed by M. E. Franks, Inc., New York, N.Y., and reworked.

27696. Butter. (F.D.C. No. 43770. S. No. 18-240 T.)

QUANTITY: 78 64-lb. ctns. at Oklahoma City, Okla.

SHIPPED: 12-1-61, from Coffeyville, Kans., by Page Milk Co.

LABEL IN PART: (Ctn.) "Creamery Butter Keep Refrigerated Packed for Wilsey-Bennett Co. San Francisco, Calif. Page 15, 16, 17, or 18."

LIBELED: 12-11-61, W. Dist. Okla.

CHARGE: 402(b)(2)—when shipped, a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: 12-20-61. Consent—claimed by Page Milk Co., Merrill, Wis., and reworked.

27697. Butter. (F.D.C. No. 43769. S. No. 25-905 T.)

QUANTITY: 30 cases, 32 pkgs. each, at Wheeling, W. Va.

SHIPPED: 12-13-61, from Minerva, Ohio, by Minerva Dairy, Inc.

LABEL IN PART: (Pkg.) "Minerva Maid Brand Creamery Butter Manufactured by Minerva Dairy, Inc. Minerva, Ohio. Weight 1 pound."

RESULTS OF INVESTIGATION: Examination showed that the article was deficient in milk fat, and that it was short weight.

LIBELED: 12-22-61, N. Dist. W. Va.

CHARGE: 402(b)(2)—when shipped, a product containing less than 80 percent by weight of milk fat had been substituted for butter; and 403(e)(2)—the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 1-23-62. Default—delivered to a charitable institution.

CHEESE

27698. Cheese spread. (F.D.C. No. 46565. S. No. 45-418 T.)

QUANTITY: 2,320 2-lb. ctns. at St. Louis, Mo.

SHIPPED: Between 2-22-61 and 8-4-61, from Shelbyville, Ill., by Hygrade Food Products Corp.

LABEL IN PART: (Ctn.) "Piedmont Farm Delicious Imitation Pasteurized Process Cheese Spread Ingredients: * * * Hygrade Food Products Corp., * * * Detroit, Mich. * * * Fewer Calories Less Fat."

LIBELED: 10-10-61, E. Dist. Mo.

CHARGE: 402(a)(1)—when shipped and while held for sale, the article contained a deleterious substance, namely, sharp, pointed crystals of lactose monohydrate, which may render it injurious to health; and 403(a)—when shipped, the label statements "Fewer Calories" and "Less Fat" were misleading, since the labeling failed to reveal the foods to which the article was compared.

DISPOSITION: 11-28-61. Consent—claimed by Hygrade Food Products Corp., and released under bond to be reworked and relabeled.

MISCELLANEOUS DAIRY PRODUCTS

27699. Nonfat dry milk. (F.D.C. No. 46782. S. No. 374 T.)

QUANTITY: 440 50-lb. bags at High Point, N.C.

SHIPPED: 11-2-60, from Imlay City, Mich., to Charlotte, N.C., and on 11-8-61, reshipped to High Point, N.C.

RESULTS OF INVESTIGATION: The article had been stored under insanitary conditions at W. J. Edwards & Co., Charlotte, N.C.

LIBELED: 12-8-61, M. Dist. N.C.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 1-16-62. Consent—claimed by Mid-West Producers' Creameries, Inc., South Bend, Ind., and converted into animal feed.

27700. Nonfat dry milk, dried Great Northern beans, and dried cranberry beans.
(F.D.C. No. 46623. S. Nos. 326/30 T.)

QUANTITY: 49 50-lb. bags of nonfat dry milk; 38 100-lb. bags of Great Northern beans; and 15 cases, 24 1-lb. bags each, of cranberry beans, at Charlotte, N.C., in possession of W. J. Edwards & Co.

SHIPPED: Between 11-2-60 and 1-6-61, from Imlay City, Mich., and Eaton, Ind.

LIBELED: 11-9-61, W. Dist. N.C.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 12-14-61. Default—destruction.

FRUITS AND VEGETABLES

CANNED FRUIT*

27701. Canned cherries. (F.D.C. No. 46895. S. No. 12-152 T.)

QUANTITY: 21 cases, 6 6-lb. 9-oz. cans each, at Chicago, Ill.

SHIPPED: 10-9-61, from Sturgeon Bay, Wis., by Fruit Growers Co-Operative.

LABEL IN PART: (Can) "Sturgeon Bay Brand Red Tart Pitted Wisconsin Cherries * * * Fruit Growers Co-operative, Sturgeon Bay, Wis." and (case) "Red Tart Pitted Sturgeon Bay Brand Cherries."

LIBELED: 1-2-62, N. Dist. Ill.

CHARGE: 403(h)(1)—when shipped, the quality of the article fell below the standard of quality for canned cherries since there was present in the article more than 1 pit in each 20 ounces of canned cherries, as determined by the method prescribed by regulations, and its label failed to bear, as prescribed by regulations, a statement that it fell below such standard.

DISPOSITION: 1-30-62 and 2-1-62. Default—delivered to a charitable institution.

27702. Canned peaches. (F.D.C. No. 46917. S. No. 840 T.)

QUANTITY: 94 cases, 24 15-oz. cans each, at Winston-Salem, N.C.

SHIPPED: 7-25-61 and 8-21-61, from Gilbert, S.C., by Walter P. Rawl & Sons.

LABEL IN PART: (Can) "Carolina Yellow Free Peaches Mixed Pieces of Irregular Sizes and Shapes in Heavy Syrup Packed by Walter P. Rawls & Sons Gilbert, S.C."

LIBELED: 1-17-62, M. Dist. N.C.

CHARGE: 403(g)(2)—when shipped, the article purported to be and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear, as required by regulations, the name of the optional packing medium present in such food, since its label bore the statement "In Heavy Syrup" whereas the article was packed in a medium designated as "Light Sirup" in such definition and standard.

DISPOSITION: 3-5-62. Consent—claimed by Walter P. Rawls & Sons, and released under bond for relabeling.

*See also No. 27688.

27703. Canned peaches. (F.D.C. No. 46918. S. No. 846 T.)

QUANTITIES: 156 cases, 24 1-lb. 13-oz. cans each, at Durham, N.C.

SHIPPED: 7-24-61 and 8-10-61, from Gilbert, S.C., by Walter P. Rawl & Sons.

LABEL IN PART: (Can) "Carolina Yellow Free Peaches Halves in Heavy Syrup Packed by Walter P. Rawl & Sons Gilbert S.C."

RESULTS OF INVESTIGATION: Examination showed that the article contained peaches of excessive hardness.

LIBELED: 1-17-62, M. Dist. N.C.

CHARGE: 403(h)(1)—when shipped, the quality of the article fell below the standard of quality for canned peaches, since all peach units of the article tested in accordance with the method prescribed in such standard were not pierced by a weight of not more than 300 grams, and its label failed to bear, as prescribed by regulations, a statement that it fell below such standard.

DISPOSITION: 3-5-62. Consent—claimed by Walter P. Rawl & Sons, and released under bond for relabeling.

MISCELLANEOUS FRUIT PRODUCTS**27704. Apple juice.** (F.D.C. No. 46410. S. No. 93-968 R.)

QUANTITY: 44 cases, 12 jars each, at Charleston Heights, S.C.

SHIPPED: 3-8-61, from Lexington, N.C., by Davis Frozen Foods, Inc.

LABEL IN PART: (Jar) "Highland Harvest Pure Apple Juice * * * Contents $\frac{1}{4}$ Gallon [or "Contents 1 Quart"]."

RESULTS OF INVESTIGATION: Examination showed that the article was short volume.

LIBELED: 8-28-61, E. Dist. S.C.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 11-30-61. Default—delivered to charitable institutions.

27705. Orange juice. (F.D.C. No. 42470. S. No. 7-066 P.)

INFORMATION FILED: 7-6-59, S. Dist. Fla., against Lester Ivey and Jerry Ivey, partners in the partnership of Osceola Fruit Distributors, Kissimmee, Fla.

SHIPPED: 9-26-58, from Florida to Connecticut.

LABEL IN PART: (Ctn.) "Ivey's King Sun Reconstituted Orange Juice * * * Prepared from Fresh Pure Orange Juice Blended with Reconstituted Fresh Frozen Concentrated Orange Juice * * * One Quart * * * Filled By Osceola Fruit Distributors Kissimmee, Fla. * * * Rich in Vitamin C No Sugar or Preservatives Added."

CHARGE: 402(b)(2)—when shipped, water and sugar had been substituted in part for reconstituted orange juice; 402(b)(4)—water and sugar had been added to the article and mixed and packed with it so as to increase its bulk and weight and reduce its quality and strength; 403(a)—the label statements "Reconstituted Orange Juice Prepared From Fresh Pure Orange Juice Blended with Reconstituted Fresh Frozen Concentrated Orange Juice * * * No Sugar or Preservatives added" were false and misleading as applied to a product containing added sugar and added water in excess of that necessary to make reconstituted orange juice; and 403(i)(2)—the label of the article failed to bear the common or usual name of each ingredient of the article.

DISPOSITION: The defendants filed a motion for a bill of particulars which was granted in part by the court. The defendants thereafter entered a plea of nolo contendere and on 10-16-61, the court placed the defendants on probation for 3 years.

PRESERVES

27706. Strawberry preserves. (F.D.C. No. 46513. S. No. 37-204 T.)

QUANTITY: 56 cases, 12 10-oz. jars each, at New Orleans, La.

SHIPPED: 7-24-61, from Atlanta, Ga., by Atlantic Preserving Co.

LABEL IN PART: (Case) "Strawberry Preserves Tiffany Pure Preserves Atlantic Preserving Co., Atlanta, Ga. * * * 911."; (jar top) "Tiffany Pure Strawberry Preserves * * * Packed by Atlantic Preserving Co., Atlanta, Ga."

RESULTS OF INVESTIGATION: Examination showed that the article contained cherries mixed with strawberry preserves.

LIBELED: 10-24-61, E. Dist. La.

CHARGE: 403(g) (1)—when shipped, the article purported to be and was represented as a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to such definition and standard.

DISPOSITION: 1-17-62. Default—destruction.

27707. Strawberry preserves. (F.D.C. No. 46810. S. No. 43-127 T.)

QUANTITY: 140 cases, 12 jars each, at Philadelphia, Pa.

SHIPPED: 10-24-61, from Brooklyn, N.Y., by General Preserve Co., Inc.

LABEL IN PART: (Jar) "Honeydew Brand Wild Strawberry Preserves" and (jar lid) "Net Wt. 8½ Oz. General Preserve Co., Inc. Brooklyn, N.Y."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 12-28-61, E. Dist. Pa.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 1-24-62. Default—delivered to a charitable institution.

27708. Blackberry jelly and blackberry preserves. (F.D.C. No. 46905. S. Nos. 52-764/7 T.)

QUANTITY: 10 cases, 24 jars each, of jelly; and 16 cases, 24 jars each, of preserves, at Seattle, Wash.

SHIPPED: Between 2-23-61 and 8-14-61, from Portland, Oreg., by Oswego Jelly Co.

LABEL IN PART: (Jar) "Oregon Hills Brand Fancy Pure Mountain Wild Blackberry Jelly [or "Preserves"] Net Weight 12 Ozs. Packed by Allan and Allan Dickinson."

RESULTS OF INVESTIGATION: The articles failed to bear the address of the manufacturer. Examination showed that the articles were short weight.

LIBELED: On or about 1-8-62, W. Dist. Wash.

CHARGE: 403(e)—when shipped, the articles failed to bear a label containing (1) the place of business of the manufacturer, packer, or distributor and (2) an accurate statement of the quantity of contents.

DISPOSITION: 2-12-62. Default—delivered to a public institution.

27709. Imitation red raspberry preserves and imitation strawberry preserves.

(F.D.C. No. 47053. S. Nos. 33-542 T, 33-740 T.)

QUANTITY: 33 cases, 12 jars each, of imitation red raspberry preserves; and 96 cases, 12 jars each, of imitation strawberry preserves, at Hopkins, Minn.**SHIPPED:** Between 11-2-61 and 1-29-62, from Fargo, N. Dak., by Paul-Mark, Inc.**LABEL IN PART:** (Jar) "Paul-Mark Jr. * * * Imitation Red Raspberry Preserves * * * Made by Paul-Mark, Inc., Fargo, N.D. Net Contents 2 Lbs. 7 Ozs." and "Paul-Mark Jr. * * * Imitation Strawberry Preserves * * * Net Contents 2 Lbs. 7 Ozs. Made by Paul-Mark, Inc. Fargo, N.D."**RESULTS OF INVESTIGATION:** Examination showed that the article was short weight.**LIBELED:** 2-21-62, Dist. Minn.**CHARGE:** 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.**DISPOSITION:** 2-27-62. Consent—claimed by Paul-Mark Corp., and released under bond for relabeling.**VEGETABLES AND VEGETABLE PRODUCTS*****27710. Cabbage. (F.D.C. No. 46510. S. No. 36-214 T.)****QUANTITY:** 76 50-lb. bags at Monroe, La.**SHIPPED:** 10-4-61, from Greeley, Colo., by Martin Produce Co.**LABEL IN PART:** (Bag) "Fresh Colorado Cabbage * * * Produce of USA For Wet Packs Packed by O. L. Cogburn Produce, Eaton, Colo."**LIBELED:** 10-19-61, W. Dist. La.**CHARGE:** 402(a) (2) (B)—the article was a raw agricultural commodity, and, when shipped, contained a pesticide chemical, namely, endrin, which is unsafe within the meaning of 408 since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on cabbage has been prescribed by regulations.**DISPOSITION:** 11-27-61. Default—destruction.**27711. Cabbage. (F.D.C. No. 46508. S. No. 36-215 T.)****QUANTITY:** 60 50-lb. bags at Bastrop, La.**SHIPPED:** 10-3-61, from Greeley, Colo., by Martin Produce Co.**LABEL IN PART:** (Bag) "Fresh Colorado Cabbage * * * For Wet Packs Produce of USA."**LIBELED:** 10-19-61, W. Dist. La.**CHARGE:** 402(a) (2) (B)—the article was a raw agricultural commodity, and, when shipped, contained a pesticide chemical, namely, endrin, which is unsafe within the meaning of 408 since no tolerance or exemption from the requirement of a tolerance for such pesticide on cabbage has been prescribed by regulations.**DISPOSITION:** 11-27-61. Default—destruction.**27712. Canned peas. (F.D.C. No. 46249. S. No. 94-469 R.)****QUANTITY:** 306 cases, 24 15-oz. cans each, at Detroit, Mich.

*See also No. 27700.

SHIPPED: 6-28-61, from Gentry, Ark., by Gentry Canning Co.

LABEL IN PART: (Can) "A&M Blue Ribbon Early June Peas Prepared From Ripe Dry Peas * * * Gentry Canning Company Packers and Distributors, Gentry, Arkansas."

LIBELED: 8-15-61, E. Dist. Mich.

CHARGE: 403(a)—when shipped, the label vignette depicting succulent green peas was false and misleading as applied to this article which was prepared from dried peas; 403(g) (2)—the article purported to be and was represented as canned peas, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear the name of the optional pea ingredient, "Dried Early June Peas" as specified in such definition and standard, since its label bore the name "Early June Peas"; 403(h) (1)—the article fell below the standard of quality for canned peas, since the alcohol insoluble solids of peas in the container was more than 23.5 percent, and its label failed to bear a statement that it fell below such standard; and 403(h) (2)—the article fell below the standard of fill of container for canned peas, since a headspace of one inch was found, and its label failed to bear the statement that it fell below the standard of fill of container for canned peas.

DISPOSITION: 10-5-61 and 10-16-61. Default—delivered to a public institution.

27713. Canned pimentos. (F.D.C. No. 46866. S. No. 52-627 T.)

QUANTITY: 414 cases, 24 4-oz. cans each, at Spokane, Wash.

SHIPPED: 8-26-61 and 11-1-61, from Cullman, Ala.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing progressive decomposition.

LIBELED: 12-28-61, E. Dist. Wash.

CHARGE: 402(a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 2-27-62. Default—destruction.

27714. Canned pimentos. (F.D.C. No. 46573. S. Nos. 1-523 T, 1-525 T.)

QUANTITY: 36 cases, 24 4-oz. cans each, and 16 cases, 24 7-oz. cans each, at Florence, S.C.

SHIPPED: 8-31-61, from Cullman, Ala.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing progressive decomposition.

LIBELED: 10-17-61, E. Dist. S.C.

CHARGE: 402(a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 11-30-61. Default—destruction.

27715. Canned spinach. (F.D.C. No. 46567. S. No. 31-203 T.)

QUANTITY: 99 cases, 24 1-lb. 11-oz. cans each, at Newark, N.J.

SHIPPED: 8-17-61, from Fullerton, Calif., by Hunt Foods, Inc.

LABEL IN PART: (Can) "Hunt's California Spinach * * * Packed By Hunt Foods, Inc., Fullerton Calif."

LIBELED: 10-11-61, Dist. N.J.

CHARGE: 402(a) (3)—contained insects and insect larvae when shipped.

DISPOSITION: 11-16-61. Default—destruction.

27716. Frozen potato patties. (F.D.C. No. 46862. S. No. 50-923 T.)

QUANTITY: 22 cases, 24 12-oz. pkgs. each, at Palo Alto, Calif.

SHIPPED: 4-23-61, from Ontario, Oreg., by Ore-Ida Potato Products, Inc.

LABEL IN PART: (Pkg.) "Ore-Ida Brand Potato Products, Inc. Quick Frozen Shredded Potato Patties * * * Packed by Ore-Ida Potato Products, Inc., Ontario, Oregon Contents 4 Patties."

LIBELED: 12-27-61, N. Dist. Calif.

CHARGE: 402(a)(3)—contained coagulase positive *Staphylococci* and *E. coli*; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 1-30-62. Default—destruction.

27717. Dried lima beans. (F.D.C. No. 46497. S. No. 45-210 T.)

QUANTITY: 15 100-lb. bags at St. Louis, Mo.

SHIPPED: Prior to 9-25-61, from outside the State of Missouri.

LIBELED: 10-16-61, E. Dist. Mo.

CHARGE: 402(a)(3)—contained insects, insect parts, and insect excreta while held for sale.

DISPOSITION: 11-29-61. Default—delivered to a public institution for use as animal feed.

27718. Dill pickles. (F.D.C. No. 45612. S. No. 37-912 R.)

QUANTITY: 64 1-gal. cans at Laurelton, Pa.

SHIPPED: 8-16-60, from Vineland, N.J., by Kane-Miller Corp.

LABEL IN PART: (Can) "Colony Brand Genuine Dill Pickles Content * * * Packed by Colony Foods, Vineland, N.J., King George, Va."

RESULTS OF INVESTIGATION: Inspection of Alliance Foods, Inc., the packer, showed that the article was prepared and packed under insanitary conditions.

LIBELED: 3-30-61, M. Dist. Pa.

CHARGE: 402(a)(3)—contained insects, insect fragments, *Drosophila* flies, fly eggs, and maggots; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 4-28-61. Default—destruction.

27719. Sweet pickles. (F.D.C. No. 46944. S. Nos. 45-178/9 T.)

QUANTITY: 13 cases, 24 8-oz. jars each, and 18 cases, 12 1-pt. jars each, at Covington, Tenn.

SHIPPED: Prior to 11-15-61, from Garland, Tex., by Craddock Food Mfg. Co., t/a Paramount Pickle Co.

LABEL IN PART: (Jar) "Sweet Midgets Crown Brand Sweet Pickles * * * Manufactured By The Paramount Pickle Co. Garland, Tex." and "Crown Brand Sweet Pickles * * * The Paramount Pickle Co. Garland, Tex."

LIBELED: 1-26-62, W. Dist. Tenn.

CHARGE: 402(a)(3)—contained *Drosophila* fly fragments and maggot fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 3-1-62. Default—destruction.

27720. Sweet pickles. (F.D.C. No. 46870. S. No. 20-421 T.)

QUANTITY: 131 cases, 24 8-oz. jars each, and 97 cases, 12 16-oz. jars each, at Norman, Okla.

SHIPPED: Between 10-4-61 and 11-14-61, from Garland, Tex., by Craddock Food Mfg. Co.

LABEL IN PART: (Jar) "Crispy Brand Sweet Pickles * * * Mfg. by Garland Foods Co. Garland, Texas."

RESULTS OF INVESTIGATION: Inspection of Craddock Food Mfg. Co. showed that the article was prepared and packed under insanitary conditions.

LIBELED: 12-29-61, W. Dist. Okla.

CHARGE: 402(a)(3)—contained insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 1-24-62. Default—destruction.

27721. Hot mixed pickles. (F.D.C. No. 46990. S. No. 48-847 T.)

QUANTITY: 125 cases, 12 1-qt. jars each, at San Francisco, Calif.

SHIPPED: 9-22-61, from Chestertown, Md., by Vita Food Products, Inc.

LABEL IN PART: (Jar) "Vita Brand Hot Mixed Pickles * * * Packed by Vita Food Products Inc., of Md., Chestertown, Md."

LIBELED: 1-29-62, N. Dist. Calif.

CHARGE: 402(a)(3)—contained insects and insect fragments when shipped.

DISPOSITION: 3-13-62. Default—destruction.

27722. Pickle relish. (F.D.C. No. 46919. S. No. 13-883 T.)

QUANTITY: 50 cases, 24 unlabeled 8-oz. jars each, at Chicago, Ill.

SHIPPED: 6-6-61, from Bonduel, Wis., by Bonduel Pickling Co., Inc.

RESULTS OF INVESTIGATION: Examination showed the article to be a groundup pickle product having the appearance of and seasoned to taste as a relish, and that the article contained an undeclared coal-tar color.

LIBELED: 1-15-62, N. Dist. Ill.

CHARGE: 403(e)—when shipped, the article failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor and (2) an accurate statement of the quantity of the contents; 403(i)(1)—the label of the article failed to bear the common or usual name of the food; 403(i)(2)—the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; and 403(k)—the article contained artificial coloring and failed to bear labeling stating that fact.

DISPOSITION: 2-8-62. Default—destruction.

NUTS AND NUT PRODUCTS*

27723. Cashew nuts. (F.D.C. No. 46192. S. No. 65-790 R.)

QUANTITY: 78 cases, 12 cans each, at Richmond, Va.

SHIPPED: 5-29-61, from Cranford, N.J., by Peanut Products Co.

LABEL IN PART: (Can) "Buster Brand Cocktail Salted Cashew-ettes Whole Cashew Splits * * * Net Weight 5½ ounces * * * Peanut Products Company, Des Moines, Iowa—Indianapolis, Ind.—Cranford, N.J."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight. The article consisted of halves and small pieces of nuts.

LIBELED: 8-3-61, E. Dist. Va.

*See also No. 27745.

CHARGE: 403(a)—when shipped, the label vignette depicting whole nuts and the label statement "Whole Cashew" were false and misleading as applied to a product consisting of halves and small pieces of nuts; 403(e) (2)—the article failed to bear a label containing an accurate statement of the quantity of the contents; and 403(f)—the information required by 403(e) (1) and (2) to appear on the label, namely, the quantity of contents statement and the name and address of the manufacturer, packer, or distributor, were not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 11-27-61. Consent—delivered to charitable institutions.

27724. Brazil nuts. (F.D.C. No. 46863. S. No. 3-346 T.)

QUANTITY: 19 cases, 24 1-lb. pkgs. each, at Norton, Va.

SHIPPED: 11-29-61, from Bluefield, W. Va.

LIBELED: On or about 12-29-61, W. Dist. Va.

CHARGE: 402(a) (3)—contained insects and decomposed nuts while held for sale.

DISPOSITION: 2-14-62. Default—destruction.

27725. Unshelled mixed nuts and unshelled walnuts. (F.D.C. No. 46529. S. No. 23-319 T.)

QUANTITY: 19 50-lb. bags of mixed nuts, and 3 50-lb. bags of walnuts, at Casper, Wyo., in possession of S&S Distributing Co.

SHIPPED: 11-9-60, from Modesto, Calif.

LIBELED: 11-13-61, Dist. Wyo.

CHARGE: 402(a) (3)—contained filthy substance by reason of the presence of rodent urine and rodent excreta in the bags of the article; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 1-3-62. Default—destruction.

27726. Shelled walnuts. (F.D.C. No. 46837. S. No. 33-946 T.)

QUANTITY: 30 5-lb. ctns. at Mankato, Minn.

SHIPPED: Between 6-19-61 and 8-17-61, from San Jose, Calif., by Mayfair Packing Co.

LABEL IN PART: (Ctn.) "5# of Walnut Meats."

LIBELED: 12-7-61, Dist. Minn.

CHARGE: 402(a) (3)—contained insect excreta, insect webbing, and insect-infested nut meats when shipped.

DISPOSITION: 2-20-62. Default—destruction.

27727. Shelled pecans and shelled walnuts. (F.D.C. No. 46858. S. Nos. 34-469/70 T.)

QUANTITY: 73 cases, 24 pkgs. each, of pecans, and 886 cases, 24 pkgs. each, of walnuts, at Hopkins, Minn., in possession of Northwest Confections, Inc.

SHIPPED: 10-7-61 and 11-8-61, from Waycross, Ga., and Chico, Calif.

LABEL IN PART: (Pkg.) "Pecan Nuggets * * * Distributor Red Owl Stores, Inc.—Fargo, N. Dakota—Hopkins, Minn.—Green Bay, Wis. Net. Wt. 2 Oz. 521" and "Walnut Nuggets * * * Distributors Red Owl Stores, Inc. * * * Fargo, N.D.—Hopkins, Minn.—Green Bay, Wis. Net. Wt. 2½ Oz. 521."

RESULTS OF INVESTIGATION: The articles were repacked and labeled by the dealer from bulk stocks shipped as described above. Examination showed that the articles were short weight.

LIBELED: 12-27-61, Dist. Minn.

CHARGE: 403(e) (2)—while held for sale, the articles failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 1-4-62. Consent—claimed by Northwest Confections, Inc., Minneapolis, Minn., and released under bond for repacking and relabeling.

27728. Shelled Spanish peanuts. (F.D.C. No. 46838. S. No. 47-983 T.)

QUANTITY: 13 124-lb. bags at St. Louis, Mo., in possession of Mavrakos Candy Co.

SHIPPED: 9-2-61, from Albany, Ga.

LIBELED: 12-8-61, E. Dist. Mo.

CHARGE: 402(a) (3)—contained rodent urine; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 1-19-62. Default—delivered to a public institution for use as animal feed.

27729. Peanut butter. (F.D.C. No. 46817. S. No. 7-178 T.)

QUANTITY: 46 cases, 24 jars each, at Bangor, Maine.

SHIPPED: 9-26-61 and 11-6-61, from Boston, Mass., by Kelly Peanut Corp.

LABEL IN PART: (Jar) "Gold Flake Creamy Smooth Peanut Butter * * * Net Wt. 12 Oz. Kelly Peanut Corp., Boston, Mass."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 12-22-61, Dist. Maine.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 1-29-62. Default—delivered to a charitable institution.

27730. Frozen coconut. (F.D.C. No. 46791. S. Nos. 3-022/4 T.)

QUANTITY: 647 cases, 12 6-oz. bags each, and 29 cases, 10 5-lb. bags each, at Richmond, Va.

SHIPPED: 10-2-61, from Atlanta, Ga., by Convenient Foods Co.

LABEL IN PART: (Bag) "Tropic Isle Fresh Frozen Coconut Grated * * * Convenient Foods Co., Atlanta, Ga."

LIBELED: 12-15-61, E. Dist. Va.

CHARGE: 402(a) (3)—contained *E. coli*; and 402(a) (4)—prepared and packed under insanitary conditions.

DISPOSITION: 1-25-62. Default—destruction.

SPICES, FLAVORS, AND SEASONING MATERIALS*

27731. Salt in shakers. (F.D.C. No. 46288. S. No. 76-731 R.)

QUANTITY: 30 cases, each containing 36 pkgs. of 3 shakers, at Everett, Wash.

SHIPPED: 7-18-61, from Newark, Calif., by Leslie Salt Co.

LABEL IN PART: (Pkg.) "Little Leslie Shakers * * * Leslie Iodized Salt" and (shaker) "Iodized Leslie Salt Net Weight 4/10 Ounce Leslie Salt Co. San Francisco Free Running Agent Added."

RESULTS OF INVESTIGATION: Examination showed that the ingredients statements and special dietary information with respect to iodized salt, were printed in type so small that it was difficult to read without the aid of a magnifying glass.

LIBELED: 8-24-61, W. Dist. Wash.

CHARGE: 403(f)—when shipped, the information required by 403 (i) (2) and (j) to appear on the label, namely, ingredient statements and the quantity of vitamins, minerals, and other dietary properties, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 2-12-62. Default—delivered to a public institution.

27732. Black pepper. (F.D.C. No. 46163. S. No. 85-003 R.)

QUANTITY: 62 ctns., 24 boxes each, at Peoria, Ill.

SHIPPED: 5-24-61, from Des Moines, Iowa, by Tone Bros.

LABEL IN PART: (Box) "Net Wt. 1 Oz. Ace Pure Ground Black Pepper Tone Bros. Des Moines, Iowa."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-4-61, S. Dist. Ill.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 10-10-61. Default—delivered to charitable institutions.

27733. Mace. (F.D.C. No. 46503. S. Nos. 37-027/8 T.)

QUANTITY: 1 140-lb. drum of ground mace, and 3 73-lb. sacks of unground mace, at New Orleans, La.

SHIPPED: 7-1-61, from New York, N.Y., by Catz American Co., Inc.

LIBELED: 10-17-61, E. Dist. La.

CHARGE: 402(a) (3)—contained human hair when shipped.

DISPOSITION: 2-21-62. Default—destruction.

27734. Paprika. (F.D.C. No. 46830. S. No. 26-256 T.)

QUANTITY: 1 160-lb. drum at Detroit, Mich.

SHIPPED: 8-7-61, from North Bergen, N.J., by Spicene Co. of America, Inc.

*See also No. 27688.

LABEL IN PART: (Drum) "Spicene Company of America Inc. * * * 1615 51st Street North Bergen, N.J. Contents Paprika * * * Net Weight 200 lbs."

RESULTS OF INVESTIGATION: Examination showed that the article consisted of a mixture of salt and artificial coloring.

LIBELED: 12-6-61, E. Dist. Mich.

CHARGE: 402(b)(1)—when shipped, a valuable constituent, namely, paprika, had been in whole or in part omitted or abstracted from the article; 402(b)(2)—salt and artificial coloring had been substituted in whole or in part for paprika; 403(a)—the label statements "Paprika" and "This Product is Guaranteed to Comply with all Pure Food Laws and Regulations" were false and misleading; 403(i)(2)—the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; and 403(k)—the article contained an artificial coloring and its label failed to state such fact.

DISPOSITION: 1-16-62. Default—destruction.

27735. Barbecue sauce. (F.D.C. No. 46100. S. No. 79-746 R.)

QUANTITY: 40 cases, 24 8-oz. btls. each, at Norfolk, Va.

SHIPPED: 5-17-61, from Wilmington, N.C., by Carolina Treet, Inc.

LABEL IN PART: (Btl.) "Barbecue Sauce * * * by Carolina Treet * * * Ingredients: * * * Carolina Treet, Inc., Wilmington, N.C."

LIBELED: 7-25-61, E. Dist. Va.

CHARGE: 403(f)—when shipped, the information required by 403 (e)(2) and (i)(2) to appear on the label, namely, the quantity of contents and ingredients statements, were not placed thereon with such conspicuousness (as compared with other words and statements on the label) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 11-17-61. Default—delivered to a public institution.

27736. Hollandaise sauce. (F.D.C. No. 46122. S. No. 67-371 R.)

QUANTITY: 22 cases, 6 6-oz. jars each, at San Antonio, Tex.

SHIPPED: 4-26-61, from College Point, N.Y., by Hayden's Hollandaise, Inc.

LABEL IN PART: (Jar) "Hayden's Hollandaise Sauce * * * Hayden's Hollandaise, Inc., 132-15—14th Ave. College Point, N.Y."

RESULTS OF INVESTIGATION: Examination showed that the article contained *Salmonella typhimurium*, a pathogenic organism.

LIBELED: 7-13-61, W. Dist. Tex.

CHARGE: 402(a)(1)—the article contained *Salmonella typhimurium*, a deleterious substance which may have rendered it injurious to health.

DISPOSITION: 12-20-61. Default—destruction.

27737. Spaghetti sauce. (F.D.C. No. 46932. S. Nos. 14-328/9 T.)

QUANTITY: 10 cases, 12 32-oz. cans each, and 18 cases, 24 32-oz. cans each, at Chicago, Ill.

SHIPPED: 11-24-61, from Ontario, N.Y., by R. T. French Co.

LABEL IN PART: (Can) "Gumpert's 'Supreme' Brand Spaghetti Sauce * * * S. Gumpert Co., Inc., Jersey City, N.J."

LIBELED: 1-18-62, N. Dist. Ill.

CHARGE: 402(a) (3)—contained *Drosophila* flies, fly eggs, insect fragments and (18-case lot) maggots; and 402(a) (4)—prepared and packed under insanitary conditions.

DISPOSITION: 2-21-62. Default—destruction.

27738. Spaghetti sauce. (F.D.C. No. 47032. S. Nos. 49-592/3 T.)

QUANTITY: 129 cases, 6 3-qt. cans each, at San Francisco, Calif.

SHIPPED: 11-22-61 and 12-20-61, from Ontario, N.Y., by Lyndan Products Div., S. Gumpert Co., Inc.

LABEL IN PART: (Can) "Gumpert's Spaghetti Sauce * * * Made by S. Gumpert Co., Inc. Jersey City, N.J."

LIBELED: 2-9-62, N. Dist. Calif.

CHARGE: 402(a) (3)—contained *Drosophila* fly eggs, maggots, and insect fragments; and 402(a) (4)—prepared and packed under insanitary conditions.

DISPOSITION: 3-13-62. Default—destruction.

27739. Apple cider vinegar. (F.D.C. No. 46514. S. No. 48-146 T.)

QUANTITY: 50 cases, 12 1-qt. btls. each, at Hilo, Hawaii.

SHIPPED: 9-26-61, from San Leandro, Calif., by Lady's Choice Foods.

LABEL IN PART: (Btl.) "Lady's Choice Apple Cider Vinegar Aged In Wood * * * Lady's Choice Foods—San Leandro—Los Angeles."

LIBELED: 10-25-61, Dist. Hawaii.

CHARGE: 402(a) (3)—contained vinegar eels when shipped.

DISPOSITION: 12-4-61. Default—destruction.

27740. Instant lime flavoring. (F.D.C. No. 46357. S. No. 15-516 T.)

QUANTITY: 44 cases, 12 7-oz. jars each, at Cincinnati, Ohio.

SHIPPED: 6-16-61 and 6-23-61, from Columbus, Ind., by Union Sales Corp.

LABEL IN PART: (Jar) "Pennant Vitamin C Enriched Instant Lime Flavoring Equivalent to 37 Limes Ingredients: Pure Dehydrated Lime Juice Dextrose, Citric Acid, Calcium Phosphate, Lime Oil from Rind, Ascorbic Acid (Vit. C), and U.S. Certified Food Color * * * Packed and Distributed by Union Starch and Refining Company, Columbus, Ind."

RESULTS OF INVESTIGATION: Examination showed that the article was a white powder having an odor associated with citrus fruits.

LIBELED: 10-5-61, S. Dist. Ohio.

CHARGE: 403(a)—when shipped, the name "Instant Lime," the label vignette depicting a whole lime, and label statements which represented that the article when dissolved in water made lime juice, or equivalent thereof, were false and misleading; and 403(c)—the article was an imitation of another food, namely, dehydrated lime juice and its label failed to bear the word "Imitation" and immediately thereafter the name of the food imitated.

DISPOSITION: 12-6-61. Consent—claimed by Union Starch & Refining Co., and released under bond for relabeling.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

27741. Vitamin products. (F.D.C. No. 44902. S. Nos. 42-301 R, 42-308 R, 42-310 R, 42-312/3 R, 42-315/6 R, 42-318 R.)

QUANTITY: 4 cases of 96 200-tablet btls. of Multi-Mineral tablets; 6 cases of 96 200-tablet btls. and 3 cases of 96 100-tablet btls. of vitamin A and D tablets; 4 cases of 96 100-tablet btls. of vitamin B complex tablets; 5 cases of 6 600-tablet btls. of vitamin A and D and B₁₂ tablets; 4 cases of 96 120-capsule btls. of Junior Multi-Vitamin-Mineral capsules; 3 cases of 108 45-capsule btls. of Geriatric Multi-Vitamin-Mineral capsules; and 34 cases of 12 8-oz. btls. of liquid vitamins for infants and children, at Oakland, Calif.

SHIPPED: Between 7-31-57 and 7-15-60, from Freeport, Ill., by W. T. Rawleigh Co.

LABEL IN PART: (Btl.) "Rawleigh's Multi-Mineral Tablets"; "Rawleigh's Vitamin A and D Tablets"; "Rawleigh Vitamin B-Complex Tablets"; "Rawleigh's Vitamin A and D and B-12 Tablets"; "Rawleigh's Junior Multi-Vitamin-Mineral Capsules For Children 3 to 12 Years of Age"; "Rawleigh's Geriatric Multi-Vitamin-Mineral Capsules"; and "Rawleigh Liquid Vitamin For Infants and Children."

ACCOMPANYING LABELING: Booklets entitled "Rawleigh and today's homemaker" and "Pocket Reference Booklet on Rawleigh Products"; leaflets entitled "Better health more vigor and zest for life," "Who needs vitamin supplements," and "To help babies and children grow and be healthy"; and loose-leaf books entitled "Rawleigh's Sales Manuals."

LIBELED: 9-22-60, N. Dist. Calif.

CHARGE: 403(a)—when shipped, the labeling of the Multi-Mineral tablets, vitamin A and D tablets, vitamin B complex tablets, vitamins A and D and B₁₂ tablets, and Junior Multi-Vitamin-Mineral capsules contained false and misleading representations that the ordinary diet consumed by teenagers, older people, and others in the United States, is generally deficient in vitamin and mineral content, and that such diet results in practically everyone suffering from, or being in danger of suffering from, inadequate vitamin and mineral nutrition unless a vitamin and mineral supplement is added to the diet; that smokers and those who drink require supplementation of the diet with vitamins; and that the regular consumption of vitamin and mineral food supplements is a suitable corrective for all aspects of inadequate nutrition due to poor eating habits, fad diets, and eating only the foods one likes and ignoring other needed foods.

403(a)—the label of the Multi-Mineral tablets bore the false and misleading statement "Need in human nutrition for copper * * * magnesium not definitely established."

403(a)—the label of the Junior Multi-Vitamin-Mineral capsules bore the false and misleading statements "the need for folic acid, vitamin E * * * have not been established" and "The need for * * * copper, magnesium * * * has not been established."

403(a)—the labeling of Geriatric Multi-Vitamin-Mineral capsules, and the name of the article, contained false and misleading representations that the nutritional requirements of older people were different from adults generally; that it was impossible for an individual to consume adequate, nutritional

quantities of vitamins in the ordinary diet, that vitamin supplementation was therefore necessary; and that the article was nutritionally superior to such ordinary foods.

403(a)—the labeling of liquid vitamin for infants and children contained false and misleading representations that it was impossible for infants and children to consume adequate nutritional quantities of vitamins in the ordinary diet, that vitamin supplementation was therefore necessary; and that the article was nutritionally superior to such ordinary foods.

403(j)—when shipped, the vitamin A and D tablets and vitamin A and D and B₁₂ tablets purported to be and were represented as foods for special dietary uses by reason of their vitamin and mineral content, and their labels failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement of vitamin A for infants and children supplied by such foods when consumed in a specified quantity during the period of one day.

The libel alleged also that the articles were misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 6496.

DISPOSITION: 10-27-60. Default—delivered to county institutions for use under a physician's instruction.

27742. Omin Plus iron phosphate tablets. (F.D.C. No. 44210. S. Nos. 85-709/11 P.)

QUANTITY: 6 tins of Lot No. 41701, 7 tins of Lot No. 41702, and 4 tins of Lot No. 41703, each tin containing 25,000 tablets, at Fishkill, N.Y.

SHIPPED: Between 2-11-59 and 2-16-59, from Worcester, Mass., by Brewer & Co., Inc.

LABEL IN PART: "Private Formula * * * Omin-Plus * * * Iron (Ferric) Phosphate 67 mg. (160% MDR)."

RESULTS OF INVESTIGATION: Analyses showed that the article contained approximately (Lot No. 41701) 55 percent, (Lot No. 41702) 58 percent, and (Lot No. 41703) 55 percent of the declared amounts of iron.

LIBELED: 2-11-60, S. Dist. N.Y.

CHARGE: 402(b)(1)—when shipped and while held for sale, the valuable constituent, iron, had been in part omitted or abstracted from the article; and 403(a)—the label statement "Iron (Ferric) Phosphate 67 mg." was false and misleading.

The libel alleged also that the article was misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 6494.

DISPOSITION: 7-29-60. Default—destruction.

27743. Oro-Vita food supplement. (F.D.C. No. 44262. S. Nos. 84-053 P, 17-305 R.)

QUANTITY: 34 cases, each containing 6 ctns., each ctn. containing 360 mineral tablets and 180 vitamin tablets, at Salt Lake City, Utah, in possession of Oro-Vita Corp.; and 160 packages, each containing 2 ctns. of 360 mineral tablets and 180 vitamin tablets; 450 envelopes, each containing 4 mineral tablets and 2 vitamin tablets; 39 drums, each containing 21,239 mineral tablets and 21 drums, each containing 21,239 vitamin tablets, at Salt Lake City, Utah, in possession of "N" Products Co.

SHIPPED: 8-15-59 and 2-15-60, from Los Angeles, Calif.

LABEL IN PART: (Case) "Oro-Vita (Golden Life) Food Supplement With Special *Tramin Base Natural or Organic Minerals and Vitamins * * * *The special Tramin Base contains what many believe to be a unique nutritional discovery which contains some of mother nature's blended elements from the land, from the sea and from what used to be the bottom of the sea. Among these elements are Minerals and Vitamins * * * Formulated for and Distributed by Oro-Vita Corporation, Salt Lake City, Utah"; (ctn.) "Oro-Vita Food Supplement with special *Tramin Base Natural or Organic Minerals and Vitamins * * * 360 (Brown) Mineral Tablets 180 (Yellow) Vitamin Tablets * * * Oro-Vita Corporation, Salt Lake City, Utah"; (pkg.) "Oro-Vita (Golden Life) Food Supplement With Special *Tramin Base Natural or Organic Minerals and Vitamins * * * Distributed by Oro-Vita Corporation, Salt Lake City, Utah"; and (envelope) "Oro-Vita Food Supplement 1 Day Supply."

ACCOMPANYING LABELING: Loose repack labels for packages and cartons, as described above; leaflets entitled "What Charlie Morgan Learned About Minerals"; "Is Health Your Most Treasured Asset?"; reprints of a Reader's Digest article entitled "How To Prolong The Prime of Life"; reprints of a Pageant magazine article entitled "Vitamins Can Help You Live Longer"; and sales manuals entitled "Oro-Vita * * * Food Supplement."

RESULTS OF INVESTIGATION: The article was repacked into cases, packages, and envelopes by "N" Products Co., Salt Lake City, Utah, for Oro-Vita Corp., from the bulk containers shipped as described above.

LIBELED: 3-24-60, Dist. Utah.

CHARGE: 403(a)—while held for sale, the labeling which accompanied the article contained false and misleading representations that the food supplies generally available are inferior and do not contain adequate amounts of vitamins and minerals; that all ingredients of the article were natural and organic; that the unsaturated fatty acids, rutin, biotin, methionine, lemon bioflavonoids, orange hesperidin complex, chlorophyll, alfalfa juice concentrate, rose hips concentrate, food yeast, and prune concentrate in the article were vitamins and minerals, that the need in infant nutrition for niacin, iodine, iron, and calcium had not been established, that the need in human nutrition for vitamin E, potassium, chlorine, sodium and magnesium had not been established, that the article contained a so-called "Tramin Base," which was a unique nutritional discovery consisting of elements from the land, from the sea, and from what used to be the bottom of the sea, containing essential trace elements, including manganese, bromine, sulfur, zinc, fluorine, aluminum, arsenic, nickel, and silicon, and that all of the article's trace elements were interrelated and balanced against each other for near perfect function.

The libel alleged also that the article was misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 6499.

DISPOSITION: 5-20-60. Consent—claimed by Oro-Vita Corp., Salt Lake City, Utah, and Neoco Corp., Los Angeles, Calif., and released under bond for relabeling and salvaging in compliance with the law. The mineral tablets were subsequently destroyed, the vitamin tablets were reground; and the ground material was packed into drums and labeled.

27744. Geriatric Formula food supplement, Aristocrat food supplement, and Aristocrat Extra Daily Requirement food supplement. (F.D.C. No. 44726. S. Nos. 23-236/8 R, 23-043 R.)

QUANTITY: 14 cases, each containing 24 186-tablet boxes of the Geriatric Formula; 16 cases, each containing 10 248-tablet boxes of the Aristocrat food supplement; and 5 cases, each containing 6 boxes of 13 cellophane wrapped 56-tablet units each of the Aristocrat Extra Daily Requirement food supplement, at Omaha, Nebr.

SHIPPED: 2-29-60 and 3-14-60, from Los Angeles, Calif., by Belco Products Corp.

LABEL IN PART: (Boxes) "XDR Geriatric Formula Food Supplement Plus * * * A special formula from 100% Organic or Natural Sources with the exclusive XDR base * * * A special dietary supplement for those over 40 * * * plus reserves of vital blood building factors—iron, copper, cobalt and vitamin B-12 * * * with non-inhibitory intrinsic factor concentrate"; "XDR The Aristocrat Food Supplement * * * A special dietary supplement of vitamins and minerals plus concentrates of natural fruits and vegetables in the exclusive cornucopia base * * * This package contains 62 multiple vitamin tablets and 186 base and mineral tablets * * * From 100% Organic or Natural Sources * * * The Exclusive XDR Base is made from 68 concentrates from natural fruits and vegetables"; and "XDR The Aristocrat Extra Daily Requirement Food Supplement * * * a special formula from 100% Organic or Natural Sources * * * The Exclusive XDR Base is made from 68 concentrates from natural fruits and vegetables * * * Content: 13 Tri-Tainer Units—each containing 14 red vitamin tablets and 42 green mineral and base tablets."

ACCOMPANYING LABELING: Leaflets entitled: "Go ahead . . . kill yourself" and "Here is the story of XDR."

LIBELED: 7-20-60, Dist. Nebr.

CHARGE: All articles. 403(a)—when shipped, the box labels and the accompanying leaflet entitled "Here is the story of XDR" contained statements which represented and suggested that the articles were of extraordinary benefit for special dietary use because they contain an exclusive cornucopia base of 68 important food factors, including concentrates of natural fruits and vegetables, which statements were false and misleading since such food factors were present in the article in insignificant amounts and were of no significant value for such purposes.

Aristocrat Extra Daily Requirement food supplement and Aristocrat food supplement. 403(a)—when shipped, the label statements "from 100% organic or natural sources" and "Vitamin E * * * Need in human nutrition not established" were false and misleading since they were contrary to fact; 403(a)—the labeling of the articles contained representations that food supplies generally available do not contain nutritionally adequate amounts of vitamins and minerals, which representations were false and misleading since they were contrary to fact.

Aristocrat Extra Daily Requirement food supplement. 403(a)—when shipped, the label statement "l-Lysine Monohydrochloride * * * Need in human nutrition not established" was false and misleading since it was contrary to fact.

Geriatric Formula. 403(a)—when shipped, the box label contained the statements "From 100% Organic or Natural sources," "The need in human nutrition for * * * Vitamin E * * * has not been established" and "plus reserves of vital blood building factors * * * cobalt * * * non-inhibitory intrinsic factor concentrate" which statements were false and misleading since they were contrary to fact; 403(a)—the accompanying labeling entitled "Here is the story of XDR" contained the statement "It is devoid of the usual 'shot-gun' pattern of non-essentials" which statement was false and misleading since it was contrary to fact; 403(a)—the box label and the accompanying leaflet entitled "Here is the story of XDR" contained statements which represented that the article was a food supplement for special dietary use, which statements were false and misleading since the article also contained dioctyl sodium sulfosuccinate, a substance intended solely for drug purposes as a stool softener; 403(a)—the box label and accompanying leaflet entitled "Here is the story of XDR" contained representations that the nutritional requirements of adults in middle age and old age are different from adults generally; and that there is a greater nutritional requirement for vitamins and minerals under conditions of stress and strain, which representations were false and misleading since they were contrary to fact; and 403(j)—the article purported to be and was represented for special dietary use by reason of the presence therein of 68 food factors, including concentrates of natural fruits and vegetables, and its label failed to bear, as required by regulations, a statement of the dietary properties upon which such use was based.

The Geriatric Formula food supplement was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 6485.

DISPOSITION: 12-6-60. Consent—destruction.

27745. Flaked yeast and sunflower seeds. (F.D.C. No. 45016. S. Nos. 8-494/5 R.)

QUANTITY: 148 1-lb. bags of flaked yeast; and 120 12-oz. jars, 134 1-lb. packs, and 4 50-lb. bags of sunflower seeds, at Rochester, N.Y., in possession of Niblack Foods, operating a retail outlet under the name of Dietary Specialties.

SHIPPED: Between 12-31-58 and 3-2-60, from various places outside the State of New York.

LABEL IN PART: (Bag) "Flaked Yeast 1 Lb." and (jar) "Niblack's Vacuum Packed Hulled Sunflower Seeds Raw Packed by Niblack Foods, Rochester 8, New York."

RESULTS OF INVESTIGATION: The flaked yeast and the sunflower seeds were repacked by the dealer from bulk lots shipped as described above.

LIBELED: 10-19-60, W. Dist. N.Y.

CHARGE: Flaked yeast 403(e) (1)—while held for sale, the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and 403(j)—the article purported to be and was represented as a food for special dietary uses by reason of its vitamin content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirement for vitamins B₁, B₂, niacin or niacinamide, supplied by the article when consumed in a specified quantity during the period of one day.

Sunflower seeds 403(j)—while held for sale, the article purported to be and was represented as a food for special dietary uses by reason of its vitamin, mineral and other dietary properties, and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for vitamins A, B₁, C, D, riboflavin, and niacin or niacinamide, and the minerals calcium, phosphorus, iron and iodine, supplied by the article when consumed in a specified quantity during the period of one day; and its label also failed to bear a statement of the number of milligrams of sodium in 100 grams of the article and a statement of the number of milligrams of sodium in an average serving of the article.

The above-mentioned articles, together with certain other articles, were alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 6492.

DISPOSITION: 12-5-60. Consent—claimed by Everett J. Niblack, t/a Dietary Specialties, and relabeled.

27746. Vitamin preparations. (F.D.C. No. 45106. S. Nos. 53-221/7 R.)

QUANTITY: Various quantities of Vigran Multi-Vitamins in bottles of 30 or 100 capsules, Vigran M Vitamin-Minerals in bottles of 30 or 100 tablets, Theragran Squibb Therapeutic Formula Vitamin Capsules in bottles of 30 or 100 capsules, Novogran Squibb Stress Formula Water Soluble Vitamins in bottles of 100 capsules, Theragran M Squibb Vitamin-Minerals for Therapy in bottles of 100 tablets, Theragran Liquid 4 fl. oz. Squibb Therapeutic Formula Vitamin Liquid, and Theragran Junior Squibb Vitamins for Therapy in bottles of 100 capsules, at Cambridge, Mass.

SHIPPED: On various dates prior to 11-8-60, from Brooklyn, N.Y., by E. R. Squibb & Sons, Div. of Olin Matheson Chemical Corp.

ACCOMPANYING LABELING: Booklets entitled "Selling Slants on Vitamins" and "Vitamins and Your Sales Success"; envelope entitled "Questions on the Squibb Vitamin Instruction Course," containing separate sheets headed "Questions—Lesson No. I [or "II," "III," "IV," "V" and "VI"]"; leaflets entitled "All Vitamins are not alike!" and "Take Vitamins in the Summer-time?"; and window-streamers headed "V for Vigran Multi-Vitamins Ask Us About the Vigran Vitality Program."

LIBELED: 11-22-60, Dist. Mass.

CHARGE: All articles. 403(a)—when shipped, the above-mentioned booklets, when viewed as a whole, represented and suggested that it is difficult, if not impossible, to obtain adequate nutrition from the diet of ordinary foods due to depleted soil, premature harvesting, faulty storage, processing, overcooking, and chemical destruction, which will result in practically everyone suffering, or being in danger of suffering from inadequate vitamin and mineral nutrition unless a vitamin or mineral supplement is added to the diet, which representations and suggestions were false and misleading since the readily available foods will supply adequate vitamin and mineral nutrition as usually consumed in the ordinary diets, and malnutrition due to inadequate vitamin and mineral intake as supplied by the diet is extremely rare in this country; 403(a)—the above-mentioned booklets also contained statements which represented and suggested that the regular consumption of multiple vitamins and minerals was a suitable corrective for all aspects of inadequate nutrition due to poor eating habits, fad diets, and reducing diets, which statements were false and misleading since continuation of such dietary habits, even with the

addition of vitamins and minerals, may not provide all nutrients needed for adequately balanced nutrition.

Theragran M tablets. 403(a)—when shipped, the above-mentioned booklet entitled "Vitamins and Your Sales Success" also contained statements which represented and suggested that such article was of particular value by reason of the 6 additional vitamins and 9 minerals and trace elements which offered much extra health insurance by vitamin supplementation, which statements were false and misleading when referring to the addition of 5 milligrams per day of potassium, among other minerals, to the diet, since this is an insignificant quantity when compared with either the large amount of potassium present in the body, needed by the body, or supplied to the body by the ordinary diet; and 403(j)—the article purported to be and was represented as a food for special dietary use by reason of its vitamin and mineral content and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirement of vitamins A, D, B₁, B₂, niacinamide, and C (Sodium Ascorbate), and for calcium, iodine, and iron, supplied by the article when consumed in a specified quantity during a period of one day; and the statement "The need in human nutrition for calcium pantothenate has not been established."

Vigran M tablets. 403(a)—the labeling of the article contained the following statements "Vigran-M is a form of Health Insurance. Millions of people are not getting enough vitamins from the foods they eat because they do not eat enough of the right foods, and because vitamins and minerals in foods get lost in many ways. Taking VIGRAN-M is a form of economical health insurance to help prevent vitamin deficiencies which can make us sick or tired, and if prolonged, lead to more serious illness," which statements were false and misleading since the addition of the article to the diet would not prevent sickness, tiredness, and insure good health.

Theragran Liquid and Theragran Junior. 403(j)—the articles purported to be and were represented as foods for special dietary use by reason of their vitamin content and their labels failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirement for vitamins A, D, B₁, B₂, niacinamide, and C (ascorbic acid), and the label also failed to bear the statement that the need for calcium pantothenate has not been established.

The articles were alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 6493.

DISPOSITION: 4-27-61. Consent—claimed by Olin Matheson Chemical Corp., and relabeled.

27747. Pilco-Vims tablets and Pilnatil tablets. (F.D.C. No. 46908. S. Nos. 45-054 T, 45-059 T.)

QUANTITY: 6 1,000-tablet jars, and 1 jar containing approximately 600 tablets of Pilco-Vims tablets; and 4 1,000-tablet jars of Pilnatil tablets, at Danville, Ill.

SHIPPED: 8-29-61 and 9-20-61, from Cedar Rapids, Iowa.

LIBELED: 1-15-62, E. Dist. Ill.

CHARGE: 402(b)(1)—while held for sale, valuable constituents, namely, vitamin A acetate, thiamine hydrochloride, and ascorbic acid, had been in whole or in part omitted or abstracted from the articles; and 403(a)—the label

statements (Pilco-Vims) "Each Tablet contains: Vitamin A Acetate 10,000 I.U. * * * Thiamine Hydrochloride (B-1) 3.0 mg. * * * Ascorbic Acid 75 mg." and (Pilnatil) "Each tablet contains: Vitamin A Acetate 1,200 IU * * * Thiamine Hydrochloride (B-1) 1.0 mg. * * * Ascorbic Acid 25 mg." were false and misleading.

DISPOSITION: 2-20-62. Default—destruction.

27748. Dietetic grape jelly. (F.D.C. No. 46785. S. No. 43-161 T.)

QUANTITY: 133 cases, 12 jars each, at Philadelphia, Pa.

SHIPPED: 10-23-61, from Stockton, Calif., by Flotill Products, Inc.

LABEL IN PART: (Jar) "Tillie Lewis Tasti Diet For Dietary Purposes Artificially Sweetened Concord Grape Diet Jelly * * * Net Weight 5 $\frac{3}{4}$ Ozs. * * * Formulated and Distributed by Flotill Products, Inc., Stockton, Calif." and (case) "12 5 $\frac{3}{4}$ Oz. Tillie Lewis Tasti Diet * * * Special Dietary Grape Jelly."

RESULTS OF INVESTIGATION: The manufacturer's name and address, quantity of contents, ingredients statements, and special dietary information, were printed in type so small and indistinct and in a place other than the printing of the main display panel, as to be inconspicuous.

LIBELED: 12-11-61, E. Dist. Pa.

CHARGE: 403(f)—when shipped, the information required by 403 (e)(1), (e)(2), (i)(2), and (j) to appear on the label, namely, the name and address of the manufacturer, packer, or distributor, an accurate statement of the quantity of the contents, the common or usual name of each ingredient, and a statement of the dietary properties upon which the article's use was based, was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render such information likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 1-5-62. Default—delivered to charitable institutions.

27749. Dietetic strawberry preserves. (F.D.C. No. 46784. S. No. 42-100 T.)

QUANTITY: 88 cases, 12 jars each, at Philadelphia, Pa.

SHIPPED: 10-2-61, from San Jose, Calif., by Richmond Chase Co.

LABEL IN PART: (Jar) "Tillie Lewis Tasti Diet Artificially Sweetened Strawberry Diet Preserve Net Weight 5 $\frac{1}{2}$ Ozs. * * * Formulated and Distributed by Flotill Products, Inc. Stockton, Calif." and (case) "12 5 $\frac{1}{2}$ Oz. Tillie Lewis Tasti Diet Special Dietary Strawberry Preserves."

RESULTS OF INVESTIGATION: The manufacturer's name and address, quantity of contents, ingredients statements, and special dietary information, were printed in type so small and indistinct and in a place other than the printing of the main display panel, as to be inconspicuous.

LIBELED: 12-11-61, E. Dist. Pa.

CHARGE: 403(f)—when shipped, the information required by 403 (e)(1), (e)(2), (i)(2), and (j) to appear on the label, namely, the name and address of the manufacturer, packer, or distributor, an accurate statement of the quantity of the contents, the common or usual name of each ingredient, and a statement of the dietary properties upon which the article's use was based, was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as

to render such information likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 1-5-62. Default—delivered to charitable institutions.

27750. Vitamin D₂ in nonfat milk. (F.D.C. No. 46794. S. No. 4-289 T.)

QUANTITY: 20 cans at Falls Church, Va.

SHIPPED: 9-7-61, from Boonton, N.J.

LABEL IN PART: (Can) "Pure Crystalline Vitamin D₂ In Non-Fat Milk No. 2 Potency Contents: 300 CC with 80,000 USP Units/cc. Total contents will fortify 60,000 quarts of milk, each quart to contain not less than 400 USP Units of Vitamin D₂."

RESULTS OF INVESTIGATION: Analysis showed that the article contained less than 80,000 U.S.P. units of vitamin D per cc.

LIBELED: 12-20-61, E. Dist. Va.

CHARGE: 402(b) (1)—while held for sale, a valuable constituent, namely, vitamin D₂, had been in whole or in part omitted or abstracted from the article; and 403(a)—the label statement "80,000 USP Units/cc." was false and misleading.

DISPOSITION: 2-8-62. Default—destruction.

INDEX TO NOTICES OF JUDGMENT F.N.J. NOS. 27651-27750

PRODUCTS

	N.J. No.		N.J. No.
Apple cider vinegar-----	27739	Cereals and cereal products---	27654-
juice -----	27704		27683
Aristocrat food supplement tab-		Cheese spread-----	27698
lets -----	27744	Cherries, canned-----	27701
Extra Daily Requirement food		glace -----	27688
supplement tablets-----	27744	Chili peppers-----	27688
Bakery products-----	27654-27658	powder -----	27688
Barbecue sauce-----	27735	Chocolate-covered peanuts-----	27689
Beans, cranberry-----	27700	Coconut, frozen-----	27730
Great Northern-----	27700	Confectionery-----	27684-27692
lima, dried-----	27717	Cookies, Malt-Toast-----	27658
Beer -----	27652	Square-C -----	27658
Beverages and beverage mate-		Cornmeal -----	27672
rials-----	27651-27653	Cranberry beans-----	27700
Biscuits, unbaked-----	27654	Dairy products-----	27695-27700
Blackberry jelly-----	27708	Flavors. See Spices, flavors, and	
preserves -----	27708	seasoning materials.	
Brazil nuts-----	27724	Flour-----	27659-27672
Bread -----	27655	Fruit sirup concentrates-----	27651
Butter-----	27695-27697	Fruits and vegetables-----	27701-27722
peanut -----	27729	fruit, canned-----	27701-27703
Butter Brickle candy-----	27684	miscellaneous fruit prod-	
Cabbage-----	27710, 27711	ucts -----	27704-27705
Candy. See Confectionery.		preserves -----	27706-27709
Cashew nuts-----	27723	vegetables and vegetable prod-	
		ucts-----	27710-27722

	N.J. No.		N.J. No.
Geriatric Formula food supplement tablets-----	27744	Pimentos, canned-----	27713, 27714
Multi - Vitamin - Mineral capsules -----	27741	Popcorn, unpopped-----	27673, 27674
Glace cherries-----	27688	Potato patties, frozen-----	27716
Grape jelly (dietetic)-----	27748	Preserves, blackberry-----	27708
sirup concentrate-----	27651	raspberry, red (imitation)-----	27709
Great Northern beans-----	27700	strawberry -----	27706, 27707
Herbs -----	27688	(dietetic) -----	27749
Hollandaise sauce-----	27736	(imitation) -----	27709
Hush puppies-----	27656, 27657	Puffed rice-----	27676, 27677
Jelly, blackberry-----	27708	wheat -----	27676, 27677
grape (dietetic)-----	27748	Raspberry laces (candy)-----	27688
Junior Multi - Vitamin - Mineral capsules -----	27741	preserves, red (imitation)-----	27709
Lima beans, dried-----	27717	Rice -----	27675, 27678-27680
Lime flavoring, instant-----	27740	puffed -----	27676, 27677
Mace -----	27733	Salt in shakers-----	27731
Milk, nonfat, dry-----	27699, 27700	Sauce, barbecue-----	27735
containing vitamin D ₂ -----	27750	hollandaise -----	27736
Multi-Mineral tablets-----	27741	spaghetti -----	27737, 27738
Nonfat dry milk-----	27699, 27700	Sirup concentrate, grape-----	27651
Novogran Squibb Stress Formula		orange -----	27651
Water Soluble Vitamin capsules -----	27746	papaya -----	27651
Nuts -----	27723, 27730	sorghum -----	27694
Omin Plus iron phosphate tablets -----	27742	Sorghum sirup-----	27694
Orange juice-----	27705	Spaghetti sauce-----	27737, 27738
sirup concentrate-----	27651	Spanish peanuts, shelled-----	27728
Oro-Vita food supplement-----	27743	Spices, flavors, and seasoning materials -----	27731-27740
Papaya sirup concentrate-----	27651	Spinach, canned-----	27715
Paprika-----	27734	Strawberry preserves-----	27706, 27707
Peaches, canned-----	27702, 27703	(dietetic) -----	27749
Peanut(s), chocolate-covered-----	27689	(imitation) -----	27709
butter -----	27729	Suckers, frozen-----	27692
Spanish, shelled-----	27728	Sugar ----- ¹	27693
Peas, canned-----	27712	Sunflower seeds-----	27745
Pecans, shelled-----	27727	Tea -----	27653
Pepper(s), black-----	27732	Theragran Junior Squibb Vitamin capsules-----	27746
chili -----	27688	Liquid Vitamins-----	27746
Pickle(s), dill-----	27718	M Squibb Vitamin-Mineral tablets -----	27746
hot, mixed-----	27721	Squibb Therapeutic Formula Vitamin capsules-----	27746
relish -----	27722	Vegetables. See Fruits and Vegetables.	
sweet -----	27719, 27720	Vigran Multi-Vitamin capsules--	27746
Pilco-Vims tablets-----	27747	M Vitamin-Mineral tablets----	27746
Pilnatil tablets-----	27747		

¹ Injunction issued.

	N.J. No.		N.J. No.
Vinegar, apple cider	27739	Walnuts, shelled	27726, 27727
Vitamin D ₂ in nonfat milk	27750	unshelled	27725
Vitamin, mineral, and other products of special dietary significance	27741-27750	Wheat	27681-27683
		puffed	27676, 27677
		Yeast, flaked	27745

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N.J. No.		N.J. No.
Alterman Foods, Inc.:		Cottam, H. T., Co.:	
flour	27661	flour	27671
Ashcraft, L. K., Co.:		Craddock Food Manufacturing Co.:	
flour and cornmeal	27672	sweet pickles	27719, 27720
Associated Grocers, Inc.:		Crosetti, J. C., Co.:	
puffed rice and puffed wheat	27677	candy	27685
Atlanta Milling Co.:		Davis Frozen Foods, Inc.:	
flour	27668	apple juice	27704
Atlantic Preserving Co.:		Desert Sun Co.:	
strawberry preserves	27706	glace cherries	27688
Bagley, George C., Elevator Co.:		chili peppers	27688
wheat	27682	chili powder	27688
Belco Products Corp.:		herbs	27688
Aristocrat food supplement tab- lets	27744	raspberry laces (candy)	27688
Aristocrat Extra Daily Re- quirement food supplement tablets	27744	Dickinson, Allan & Allan:	
Geriatric Formula food supple- ment	27744	blackberry jelly and blackberry preserves	27708
Bonduel Pickling Co., Inc.:		Dietary Specialties:	
pickle relish	27722	flaked yeast and sunflower seeds	27745
Brewer & Co., Inc.:		Eastern Bakery:	
Omin Plus iron phosphate tab- lets	27742	flour	27665
Carolina Treet, Inc.:		Edwards, W. J., & Co.:	
barbecue sauce	27735	cranberry beans	27700
Catz American Co., Inc.:		Great Northern beans	27700
mace	27733	nonfat dry milk	27700
Central Florida Foods, Inc.:		Fenn Bros., Inc.:	
flour	27666	Butter Brickle candy	27684
Chitty & Co.:		Flotill Products, Inc.:	
flour	27662	dietetic grape jelly	27748
Clayton Brown Co., Inc.:		Franwill, Inc.:	
flour	27664	frozen suckers	27692
Cogburn, O. L., Produce:		French, R. T., Co.:	
cabbage	27710	spaghetti sauce	27737
Colony Foods:		Fruit Growers Cooperative:	
dill pickles	27718	canned cherries	27701
Continental Baking Co.:		Garland Foods Co.:	
bread	27655	sweet pickles	27720
Convenient Foods Co.:		General Preserve Co., Inc.:	
frozen coconut	27730	strawberry preserves	27707
		Gentry Canning Co.:	
		canned peas	27712

	N.J. No.		N.J. No.
Gumpert, S., Co., Inc.:		Niblack Foods:	
spaghetti sauce-----	27737	flaked yeast and sunflower	
Hayden's Hollandaise, Inc.:		seeds -----	27745
hollandaise sauce-----	27736	Northwest Confections, Inc.:	
Hullin Terminal Warehouse:		shelled pecans and shelled wal-	
unpopped popcorn-----	27674	nuts -----	27727
Hunt Foods, Inc.:		Olin Matheson Chemical Corp.:	
canned spinach-----	27715	vitamin preparations-----	27746
Hygrade Food Products Corp.:		Ore-Ida Potato Products, Inc.:	
cheese spread-----	27698	frozen potato patties-----	27716
Ivey, Jerry:		Oro-Vita Corp.:	
orange juice-----	27705	Oro-Vita food supplement-----	27743
Ivey, Lester:		Osceola Fruit Distributors:	
orange juice-----	27705	orange juice-----	27705
Kane-Miller Corp.:		Oswego Jelly Co.:	
dill pickles-----	27718	blackberry jelly and blackberry	
Kelly Peanut Corp.:		preserves -----	27708
peanut butter-----	27729	Page Milk Co.:	
Lady's Choice Foods:		butter -----	27696
apple cider vinegar-----	27739	Paramount Pickle Co. <i>See</i> Crad-	
Leslie Salt Co.:		dock Food Manufacturing Co.	
salt in shakers-----	27731	Paul-Mark, Inc.:	
Lyndan Products, Div. of S.		imitation red raspberry pre-	
Gumpert Co., Inc.:		serves and imitation straw-	
spaghetti sauce-----	27738	berry preserves-----	27709
Maddock Farmers Grain Co.:		Paul-Mark, Jr.:	
wheat -----	27681	imitation red raspberry pre-	
Martin Produce Co.:		serves and imitation straw-	
cabbage -----	27710, 27711	berry preserves-----	27709
Mavrakos Candy Co.:		Peanut Products Co.:	
shelled Spanish peanuts-----	27728	cashew nuts-----	27723
Mayfair Packing Co.:		Pearson Candy Co.:	
shelled walnuts-----	27726	chocolate-covered mint pat-	
Mead's Frozen Foods, Inc.:		ties -----	27690
unbaked biscuits-----	27654	Piel Bros., Inc.:	
Milton Cooperative Dairy Corp.:		beer -----	27652
butter -----	27695	Poph-Itt Cereals, Inc.:	
Minerva Dairy Inc.:		puffed rice and puffed	
butter -----	27697	wheat -----	27676, 27677
"N" Products Co.:		Rawl, Walter P., & Sons:	
Oro-Vita food supplement-----	27743	canned peaches-----	27702, 27703
National Retailer-Owned Grocers,		Rawleigh, W. T., Co.:	
Inc.:		vitamin products-----	27741
puffed rice and puffed wheat--	27677	Red Owl Stores, Inc.:	
National Wholesale Grocery Co.:		shelled pecans and shelled wal-	
flour -----	27670	nuts -----	27727
Neptunalia Seafood Co., Inc.:		Refrigerated Dough Products,	
hush puppies -----	27656, 27657	Inc.:	
		unbaked biscuits-----	27654

	N.J. No.		N.J. No.
Republic Rice Mill, Inc.:		Sweets Co. of America, Inc.:	
rice -----	27678	candy -----	27687
Richmond Chase Co.:		Taylor Biscuit Co.:	
dietetic strawberry preserves_	27749	Square-C cookies and Malt-	
Richmond Waterfront Terminals,		Toast cookies-----	27658
Inc.:		Three Vee Co.:	
sugar ----- ¹	27693	grape sirup concentrate-----	27651
River Brand Rice Mills, Inc.:		orange sirup concentrate-----	27651
rice -----	27675	papaya sirup concentrate-----	27651
Rockwood & Co.:		Tone Bros.:	
candy -----	27687	black pepper-----	27732
Rockwood Chocolate Co., Inc.:		Torres, Leon:	
candy -----	27687	rice -----	27680
S & S Distributing Co.:		TV Time Foods, Inc.:	
unshelled mixed nuts and un-		unpopped popcorn-----	27673
shelled walnuts-----	27725	Union Sales Corp.:	
Safeway Stores, Inc.:		instant lime flavoring-----	27740
chocolate-covered peanuts-----	27689	Union Starch & Refining Co.:	
Simmons & Clary:		instant lime flavoring-----	27740
rice -----	27679	Vita Food Products, Inc.:	
Spicene Co. of America, Inc.:		hot mixed pickles-----	27721
paprika -----	27734	Waconia Sorghum Co.:	
Squibb, E. R., & Sons, Div. of		sorghum sirup-----	27694
Olin Matheson Chemical		Weigand, Harry:	
Corp.:		wheat -----	27683
vitamin preparations-----	27746	Wilsey-Bennett Co.:	
Stark, Howard B., Co.:		butter -----	27696
candy -----	27686	Wolch Nut & Candy Co.:	
Stephens Grocer Co.:		chocolate bridge mix (candy)_	27691
flour -----	27660		

¹ Injunction issued.

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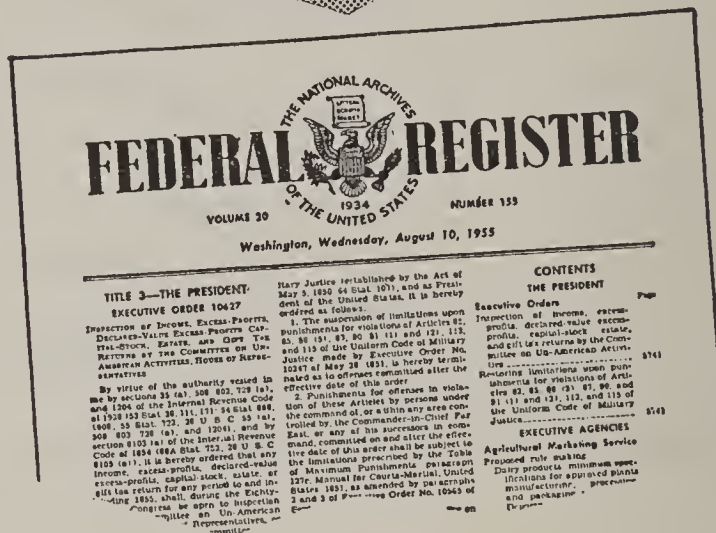
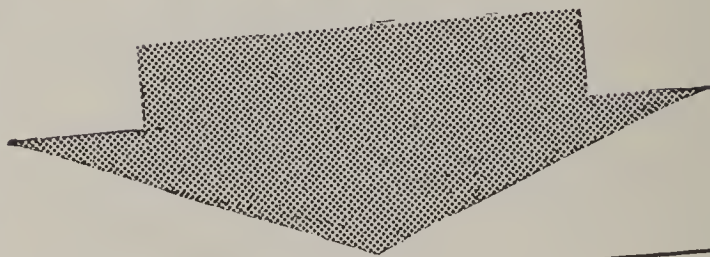
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